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**JOURNAL**

**OF**

**THE SENATE**

**OF THE**

**COMMONWEALTH OF KENTUCKY,**

**BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE  
THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1832,  
AND OF THE COMMONWEALTH THE FORTY-FIRST.**

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# JOURNAL OF THE SENATE.

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AT a General Assembly begun and held, for the state of Kentucky, at the Capitol in the town of Frankfort, on Monday the third day of December, in the year of our Lord one thousand eight hundred and thirty-two, in the forty-first year of the Commonwealth.

It being the day appointed by law, for the meeting of the General Assembly, James T. Morehead, Lieutenant Governor, appeared and took the chair, and the following members of the Senate appeared and took their seats, to wit:

From the counties of Calloway, Hickman, McCracken and Graves, Thomas James; from the counties of Barren and Edmonson, Hezekiah P. Murrell; from the counties of Green and Hart, James Murray; from the counties of Pulaski and Wayne, Martin Beatty; from the counties of Hardin and Meade, Armistead H. Churchill; from the county of Garrard, William Owsley; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the counties of Cumberland and Monroe, William Wood; from the counties of Allen and Warren, William C. Payne; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Christian and Todd, James Gholson; from the counties of Daviess, Ohio, Breckenridge and Hancock, William R. Griffith; from the city of Louisville, and the counties of Jefferson and Bullitt, James Guthrie; from the counties of Henry and Oldham, John Rodman; from the county of Shelby, William G. Boyd; from the county of Washington, Christopher A. Rudd; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the counties of Knox, Clay, Harlan and Whitley, Robert George; from the counties of Nelson and Spencer, Benjamin Hardin; from the counties of Campbell and Pendleton, Leonard Stephens; from the counties of Gallatin, Boone and Grant, Robert S. Dougherty; from the counties of Harrison and Scott, John O. Beaseman; from the county of Mason, Robert Taylor; from the county of Fleming, William P. Fleming; from the counties of Clarke and Estill, James Clark; from the counties of Woodford and Jessamine, George I. Brown; from the county of Madison, James De-jarnatt; from the counties of Bracken and Nicholas, James Parks; and from the county of Fayette, Robert Wickliffe.

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The said Thomas James, Hezekiah P. Murrell, James Murray, Martin Beatty, Armistead H. Churchill, William Owsley and Cyrus Wingate, severally produced certificates of their having been duly elected, and took the several oaths required by the constitution of the United States, and the constitution and laws of this state.

James Stonestreet was elected clerk of the Senate, Anthony Crockett, sergeant at arms, Littlebery Batchelor, door keeper, and Benjamin R. Pollard, assistant clerk, during the present session; whereupon they severally took the oaths of office.

*Ordered*, That a message be sent to the House of Representatives, informing that body that the Senate having met, formed a quorum, and elected its officers, is now ready to proceed to Legislative business; and that Mr. Beaseman carry said message.

A message was received from the House of Representatives, by Mr. Todd, informing the Senate, that the House having met, formed a quorum, and elected its officers, is now ready to proceed to Legislative business.

A message was received from the House of Representatives, by Mr. D. White, informing the Senate, that a committee has been appointed, on its part, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make; whereupon Messrs. Wingate, Hardin and Wood, were appointed a committee, on the part of the Senate.

*Ordered*, That Mr. Wingate inform the House of Representatives thereof.

The committee on the part of the Senate then retired, and after a short time returned, when Mr. Wingate reported, that the committee had discharged the duty assigned them, and were informed by the Governor, that he would make a communication in writing, by way of message, to each branch of the General Assembly, in their respective chambers, to-morrow at eleven o'clock.

On the motion of Mr. Wickliffe,

*Resolved*, That the following be adopted as the rules of the Senate, subject to such alterations as the Senate may from time to time adopt, to wit:

## RULES OF THE SENATE.

### OF THE SPEAKER.

1. Four members of the house may adjourn from day to day, when a sufficient number has not met to proceed to business; and eight, together with the Speaker, may call a house, and send for absent members, and make an order for their censure or fine.

2. The Speaker shall take the chair every day at the hour to which the house shall have adjourned on the preceding day; he shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

3. He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the house, on request of any two members.

4. He may state a question sitting, but shall rise to put a question.

5. He shall appoint committees, subject to addition by a motion of any member of the house.

6. Questions shall be distinctly put, in this form, to-wit:—"All you who are of opinion that (as the question may be) say AYE. You of a contrary opinion, say no."

7. If the Speaker doubt, or a division be called for, the house shall divide; those in the affirmative of the question, shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or counting be required, the Speaker shall name two members, one from each side, to count those in the affirmative; whose number being reported, he shall then name two others, one from each side, to count those in the negative; whose number being also reported, he shall rise and state the decision to the house: *Provided, however*, that such division or count shall not be allowed after the house shall have proceeded to other business.

8. The Speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

9. When the house adjourns, the members shall keep their seats until the Speaker shall go forth, and then the members may follow.

#### OF DEBATE.

10. When a member is about to speak in debate, or deliver any matter to the house, he shall rise and respectfully address himself to Mr. Speaker.

11. If any member, in speaking or otherwise, transgresses the rules of the house, the Speaker shall, or any member may, call to order, and the member called to order shall immediately sit down, unless permitted to explain; and the house, if appealed to, shall decide on the case without debate. If the decision shall be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the house.

12. When two or more members rise at once, the Speaker shall name the person who is first to speak.

13. No member shall speak more than twice to the same question, without leave of the house; nor more than once, until every member in the house, choosing to speak, has spoken.

14. Whilst the Speaker is putting any question, or addressing the house, none shall walk across or out of the house; neither in such case, nor when a member is speaking, shall any entertain



private discourse, nor whilst a member is speaking, shall pass between him and the chair.

15. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any other case where he was not present when the question was put.

16. Every member who shall be in the house when a question is put, shall vote on one side or the other, unless the house, for special reasons, shall excuse him.

17. When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

18. Every motion shall be reduced to writing, if the Speaker or any member desire it.

19. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in the possession of the house, but may be withdrawn at any time before decision or amendment.

20. When a question is under debate, no motion shall be received, unless to amend it, to commit it, to postpone it, for the previous question, or to adjourn.

21. A motion to adjourn shall always be in order, and shall be decided without debate.

22. The previous question being moved and seconded, the question from the chair shall be "*Shall the main question be now put?*" and if the nays prevail, the main question shall not then be put.

23. On a previous question, no member shall speak more than once, without leave.

24. Any member may call for a division of the question, when the sense will admit of it.

25. A motion for amendment, until it is decided, shall preclude all other amendments of the main question.

26. Motions and reports may be committed, at the pleasure of the house.

27. No new motion or proposition, which totally changes the subject matter on which the original motion or proposition was designed to operate, shall be admitted under colour of amendment as a substitute for the motion or proposition under debate.

28. In all cases of elections, there shall be a previous nomination by the house.

29. Petitions, memorials and other papers addressed to the house, may be presented by any member in his place, who shall state to the house the contents thereof, which may be received, read, and referred on the same day, to the proper committee, if the house agree thereto.

30. Upon calls of the house for yeas and nays on any question, the names of the members shall be called alphabetically; which call may be made at any time when a division or count may be had.

31. On the call of the house, the doors shall not be shut against

any member until his name shall be twice called, and then the absentee shall be noted down by the clerk, and fined one dollar.

32. No member shall name another member present, in debate.

BILLS, ETC.

33. Every bill shall be introduced by motion for leave, in which case, a committee for that purpose shall be appointed; or on the report of a committee, when it shall be the duty of the committee reporting to prepare the same; and every such motion may be committed.

34. Every bill, previous to its passage, shall undergo three readings, one on each day, for three days, and free discussion allowed thereon, unless in cases of urgency, the house, by a concurrence of four-fifths thereof, shall deem it expedient, and dispense with this rule.

35. The general question, on the first reading, shall be, "*Shall the bill be read a second time?*"

36. On the second reading of the bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then the question shall be, "whether to a select committee, or a committee of the whole house?" And if to a committee of the whole, the house shall determine on what day. But if the bill be ordered to be engrossed, the house shall appoint a day when it shall be read a third time; and a bill may be re-committed at any time before its passage.

37. Bills shall be engrossed in a plain hand, and the style shall be, "*Be it enacted by the General Assembly of the Commonwealth of Kentucky.*"

38. When a bill passes, it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

39. No memorial or petition shall be received, praying for the division of a county, changing the place of holding any court, or any local matter, unless the purport of such petition or memorial shall have been fixed at the door of the court-house, or other place of holding courts of the county where such alteration is proposed, at two courts, and shall have remained there one day during the sitting of each court, one month, at least, previous to offering the same. And that no petition or memorial shall be received, or bill brought in, for establishing ferries, or other matters affecting private right or property, unless the party or parties interested shall have had one month's notice thereof, if known to the petitioner or petitioners, and if not known, the purport of such memorial, petition or bill, shall be set up at the court-house, or other place of holding court, in the manner before directed; and also three times inserted in such public newspaper as the law directs, one month before offering or moving for the same.

40. The bills not finally acted on, shall be taken up and read, in order, until they shall be gone through.

41. After the Journals are read on each day, petitions shall be called for by the chair; next, reports of the standing committees, in the order they are appointed in the Journals of the session; and lastly, the reports of the select committees shall be called for, except the committee of enrolments, who may report at any time during the session of the house, when not excluded by some privileged motion.

OF COMMITTEES OF THE WHOLE.

42. It shall be the standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of the Commonwealth; and in forming a committee of the whole house, the Speaker shall leave his chair, and a chairman to preside in said committee shall be appointed by the Speaker.

43. Upon a bill being committed to a committee of the whole house, the same shall be first read throughout, by the clerk, and then again read and debated by clauses—leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amendment by clauses, before a question for engrossing it be taken.

44. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

45. All questions, whether in committee or in the house, shall be disposed of in the order in which they were moved; except that in filling up the blanks the largest sum, and the most remote day, shall be first put.

46. The rules of proceeding in the house shall be observed in committee, so far as they may be applicable, except that of limiting the times of speaking.

47. No select committee shall consist of more than three members, unless otherwise ordered.

48. A majority of any committee shall be a sufficient number to proceed to business.

49. All communications from the Governor shall lie one day on the table for consideration.

50. All fines on absent members shall be collected by, and appropriated to the use of the Sergeant at arms.

51. Ten o'clock shall be the standing order of adjournment.

52. That the clerk shall, once in every week, see that all the books belonging to the Senate, or for the use of the Senate, shall be placed in order, according to some fixed arrangement, and make report to the Speaker of the Senate of such books as are missing.

53. That it shall be the duty of the clerk, or assistant clerk, to report all bills to the House of Representatives, that shall pass the Senate, except where the Senate shall otherwise direct.



## JOINT RULES OF BOTH HOUSES.

1. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the clerk of each house respectively.

2. After a bill shall have passed both houses, it shall be duly enrolled on paper, (until parchment can be had,) by the clerk of the house where the bill shall have originated, before it shall be presented to the Governor.

3. When bills are enrolled, they shall be examined by a joint committee of three from the Senate, and six from the House of Representatives, appointed as a standing committee for that purpose; one of whom on the part of the Senate, and two of the House of Representatives, shall be sufficient to examine and compare the enrolled with the engrossed bills, as passed in the two houses; and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

4. After examination and report, each bill shall be signed in the respective houses; first by the Speaker of the House of Representatives, and then by the Speaker of the Senate.

5. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the Governor, for his approbation—it being first endorsed on the back of the bill, certifying in which house the same originated; which endorsement shall be signed by the clerk of the house in which the same did originate, and shall be entered on the journal of each house. The said committee shall report the day of presentation to the Governor; which time shall be also carefully entered on the journal of each house.

6. All bills and resolutions passing from one house to the other, shall be considered in the orders of the day when reported.

7. All orders and resolutions which are to be presented to the Governor for his approbation, shall also be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as is provided in case of bills.

8. Every order, resolution or vote, to which the concurrence of the Senate shall be necessary, shall be read to the house, and laid on the table, on a day preceding that in which the same shall be moved, unless the house shall otherwise expressly allow.

9. When any papers may come officially before either branch of the Legislature, or any communications from the Governor, and are proper to be acted upon by both houses, the house before which such papers are laid, or to which such communications are made, shall, as soon as they have proceeded and acted on the same, lay them before the other house.

10. The door-keeper of the house, shall ring the bell every day at ten o'clock, unless otherwise directed by either house.

*Ordered,* That a committee for courts of justice be appointed, and a committee was appointed, consisting of Messrs. Wickliffe, W. Owsley, Fleming, Thornton, Campbell, Guthrie, Conner, Thompson and James, who are to take under consideration all matters relating to courts of justice, and such other matters as may be, from time to time, referred to them, and report their proceedings, with their opinion thereupon, to the Senate; and the said committee is to inspect the journal of the last session, and draw up a statement of the matters then pending and undetermined, and the progress made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and report the same to the Senate, with their opinion, which of them ought to be revived and continued.

*Ordered,* That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. Guthrie, Beatty, Griffith, Payne, Murrell, Harris, Parks and George, together with such other members as may, from time to time, choose to attend, who are to take under consideration all propositions and grievances that may be referred to them, and report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered,* That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Cunningham, Rodman, Brown, Gholson, Beaseman, Murray and Dejarnatt, who are to take under consideration, and examine all returns of the election of Senators, to serve in the General Assembly, and compare the same with the forms prescribed by law, and take into consideration all questions concerning elections, and such other matters as shall be, from time to time, referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered,* That a committee of religion be appointed; and a committee was appointed, consisting of Messrs. Wood, H. Owsley, Boyd, Parks, Dejarnatt and Dougherty, who are to take under consideration, all matters and things relating to religion and morality, and such other things as may, from time to time, be referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered,* That a committee of internal improvement and domestic manufactures be appointed; and a committee was appointed, consisting of Messrs. Clark, Taylor, Murrell, W. Owsley, Campbell, Thompson, Rudd, Stephens, Brown, Boyd, Bibb and Harris, who are to take into consideration all matters concerning the public highways and navigable streams, and relating to the condition and improvement of the manufactures of the country, and such other matters and things as may, from time to time, be referred to them, and report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered*, That a committee of finance be appointed; and a committee was appointed, consisting of Messrs. Hardin, Taylor, Thompson, Churchill and Stephens, who are to take under consideration, all matters and things relating to, or connected with, the revenue and fiscal concerns of this government, and such other matters and things as may, from time to time, be referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered*, That a committee on education be appointed; and a committee was appointed, consisting of Messrs. Thompson, Churchill, Fleming, H. Owsley and Beatty, who are to take into consideration, all matters relating to education, and such other matters and things as may be, from time to time, referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered*, That a committee on the penitentiary be appointed; and a committee was appointed, consisting of Messrs. Brown, Rodman, Gholson, Harris, Dougherty, Beaseman and Murray, who are to take into consideration, all matters and things relating to the penitentiary, and such other matters and things as may be, from time to time, referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

And each of said committees are to meet and adjourn, from day to day, and shall have power to send for persons, papers and records, for their information.

*Ordered*, That a committee of enrolments, on the part of the Senate, be appointed; and a committee was appointed, consisting of Messrs. Wingate, Payne and Rudd.

*Ordered*, That Mr. Wingate inform the House of Representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hardin,

1. A bill to divide this state into congressional districts; and

On motion of Mr. Guthrie,

2. A bill to provide for the revision of the statutory laws of the state.

Messrs. Hardin, Wickliffe, Fleming, Taylor, Beaseman, Wingate, Griffith, W. Owsley, Beatty, Murrell, James, Rudd and Guthrie, were appointed a committee to prepare and bring in the former; and Messrs. Guthrie, Hardin and Churchill, the latter bill.

And then the Senate adjourned.



## TUESDAY, DECEMBER 4.

The Senate assembled.

Mr. John B. Thompson, a member of the Senate, from the county of Mercer; Mr. John R. Thornton, a member from the county of Bourbon; Mr. Andrew Sisk, a member from the counties of Union, Henderson and Hopkins, appeared and took their seats. The said Andrew Sisk having produced a certificate of his election, and of his having taken the several oaths required by the constitution of the United States, and the constitution and laws of this state.

Mr. Rodman presented the petition of sundry citizens of Oldham county, praying that a part of said county may be added to the county of Shelby.

Mr. Churchill presented the petition of Thompson Kendall and John B. Trueman, administrators of the estate of Henry Ditto, jr. deceased, praying that a law may pass, authorising the sale of a tract of land, in Hardin county, of which the said Ditto died seized, for the purpose of paying his debts.

Mr. Thompson presented the petition of sundry sheriffs and deputy sheriffs, praying that the laws relating to the liability of sheriffs may be amended.

The said petitions were severally received and referred: the first, to the committee of propositions and grievances: and the second and third, to the committee of courts of justice.

Mr. Guthrie, from the committee appointed for that purpose, reported a bill, to provide for a revision of the statutory laws of this state, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of courts of justice.

On the motion of Mr. Wickliffe,

*Resolved*, That the committee of courts of justice, enquire into the expediency of amending the laws relating to escheatable property, and report by bill or otherwise.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Payne,

1. A bill to authorise the publication of orders of court, and other advertisements, in the Green River Gazette, printed at Bowlinggreen.

On the motion of Mr. Rodman,

2. A bill for the benefit of the heirs of Samuel Stubbins, dec'd.

On the motion of Mr. Wickliffe,

3. A bill to amend the laws against unlawful gaming; and

4. A bill to amend the laws concerning the Lunatic Asylum; and

On the motion of Mr. Owsley,

5. A bill for the relief of the sheriff of Garrard county.

Messrs. Payne, Cunningham and Murrell, were appointed a committee to prepare and bring in the first; Messrs. Rodman, Dougherty and Wingate, the second; the committee of courts of justice, was directed to prepare and bring in the third and fourth; and the committee of finance, the fifth.

A message was received in writing from the Governor, by Mr. Sanders, secretary of state.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:

GENTLEMEN OF THE SENATE,

AND OF THE HOUSE OF REPRESENTATIVES:

Having been called to our respective stations by the voice of our constituents, and the time having arrived when you are about to commence your important duties as legislators, I greet you, upon your arrival at the seat of government, and hope, that under a kind Providence, you will enjoy good health during your sojourn among us.

In all communities, there must be some settled rule of action; laws must be enacted with a view to the protection of the rights of individuals, and to advance their happiness. The people cannot all collect together for that purpose; hence, the selection of various agents, or representatives, to act for them. To have been selected for a trust so important, is highly flattering, and should always be responded to by a determination not to disappoint the expectation and wishes of those who have delegated the power—the people.

It is made my duty, by the constitution, to give you information of the state of the Commonwealth, and, to recommend to your consideration, such measures as I may deem expedient.

In discharging that duty, gentlemen, I am aware, that I address a Legislature of much talent, and of great experience in the affairs of state, and, that should I err in any opinion I may advance, it has to meet the scrutiny of your deliberation.

It is a subject that should call forth our unfeigned thanks to the author of all good, that generally, during the present year, our citizens have been permitted to enjoy good health. Recently, portions of our state have been afflicted with an epidemic, alarming in its nature. And, although we deplore the loss of many valuable and interesting citizens, our hearts should be filled with gratitude to the Divine Being, the Ruler of all events, that in His pleasure the disease has been less malignant with us, than elsewhere, and its visitation transient.

Our farmers, except in a few counties, have been favored with abundant crops. The surplus of the various products of agriculture is as great as usual, and prices rather better than for some years past, which is highly gratifying. Enquire into the condition of any country, and you will find its prosperity regulated in a great degree by the situation of the farmers; they, to a great extent, support us all, and, as they prosper, so will the whole community. Our citizens are principally agricultural in their pursuits. I regret that manufactories have not to a



greater extent been established among us. It is important that the pursuits of men should be diversified, so that mutual aid may be given. Few states in the Union possess greater resources, than the state of Kentucky. A soil good—a climate mild—her citizens industrious and enterprising. She sends forth her wheat, flour, tobacco, and corn; horses, mules, cattle, hogs; bacon and pork, cotton bagging and cordage, besides various other articles, to other states and countries.

We have plenty at home, and peace with all the world. Never was there a time when we occupied in our foreign relations a more elevated stand than at present, nor, when our citizens were furnished with a more advantageous and extended commerce—so valuable to those who cultivate the soil. The wealth of every country depends greatly upon the knowledge, industry and enterprize of its citizens. That nation is most prosperous, which draws in the greatest degree upon its *own* resources. The great desideratum in political economy, is to pursue that course which will ensure to the country the greatest profit and advantage from its condition and means.

It is important to the people that laws, enacted for their rule of action, should have been well considered, and when adopted, that they should remain with as little alteration as possible, consistent with public good. The people cannot all be lawyers; hence the perplexity often incident to the frequent changes of the law upon a given subject.

There should be as little legislation as possible, having regard to the wants of the people. Laws should be general, and have effect throughout the whole state. Look into our statute book and you will find laws operating one way, in one county, and differently in another; fines and forfeitures appropriated to different objects in various counties; and several other instances of the like character. It certainly never was contemplated that each county should have its separate code of laws. When a proposition of a general character is made, let it be ascertained whether its adoption would be beneficial to the whole state.

Permit me to ask, whether a species of legislation upon private, local bills, has not, of late years, prevailed to too great an extent? The practice should be guarded against as an evil. If it be tolerated, it will increase upon you, and extend the time of your sessions; besides, laws of that character are often obtained upon an ex parte application and hearing, and the rights of others prejudiced. If there be evils complained of, let them be remedied by a law to embrace all similar cases. Your legislative halls should not be converted into courts of justice. *You* constitute one of the departments to enact laws; to another, is assigned the power to expound them, examine into facts, and give the remedy.

The subject of Education cannot be too often, nor too forcibly, pressed upon the consideration of the Legislature, and of the people.

I am pleased to observe that Transylvania University, especially its Law and Medical Departments, is in a flourishing condition. It presents high claims to the patronage of the people.

We have colleges and schools, in various sections of the state, in high repute. The Georgetown college; the Augusta college; Centre college, at Danville; St. Joseph's, at Bardstown; Cumberland, at Princeton; and

various seminaries are all successfully engaged in the laudable business of qualifying the young men of our country to take their stand in society as divines, statesmen, farmers, lawyers, physicians, merchants and mechanics. The juniors of the present day are soon to fill the places of those who are now upon the stage; *they* are to wield the destinies of the state, to occupy the pulpit, the bar, and other places of business. When such considerations are presented to the mind, are they not sufficient to induce every one to inculcate the necessity of education, and to act upon the subject so as to insure its diffusion as much as possible. "Knowledge is power;" and a republican government rests mainly upon the virtue and intelligence of the people.

Notwithstanding the condition of the institutions I have mentioned, there is a manifest inattention in many parts of the state, to the subject alluded to, which is very much to be regretted.

The subject of internal improvements, from its importance and the expectation of the people, will necessarily claim your consideration.

The navigable streams of the state might be greatly improved; Green River passes through a productive and interesting portion of our country, and by a survey, recently made, and the observation of many men of experience, it is ascertained, that that stream might be improved with great facility; no doubt the obstruction at the principal falls might be removed with but little expense. I hope you will take the subject into consideration, and dispose of it as its importance demands.

The roads of our country are generally in a bad condition. I am gratified to discover that in many parts of the state a very laudable zeal has manifested itself, and that valuable improvements are in progress. The President and Directors of the "Maysville, Washington, Paris and Lexington Turnpike Road Company" have favored me with a communication, shewing "the progress, condition and prospects" of that road, from which I will submit some extracts. "The road has been located from Maysville to Lexington, passing the points named in the charter, and on a route most eligible for the construction of a good road, and the accommodation of the community; about forty five miles have been surveyed and put under contract, forty of which will be finished for travel during the present fall (1832,) and the ensuing winter, and five additional miles will be completed by the next autumn leaving only eighteen miles yet to be made, situated at two different points on the road. The Directors have already expended and become liable by contract for upwards of \$200,000, the funds of the stockholders, including the subscription of the state, and have no means in their hands or under their controul to construct that part of the road not under contract." They state that "the toll received at the single gate erected on the road completed between Maysville and Washington, a distance of four miles, has yielded (and will do so) to the stockholders an annual dividend of twelve per centum after keeping the road in repair." The President and Directors are of opinion that the road when finished will yield eight per centum on the sum invested.

The Shelby County Turnpike is also in progress, and a considerable portion of it completed. As those roads are important links in the communication between Louisville and Maysville, through Shelbyville



Frankfort, Lexington and Paris, and as the state is already interested in them by investments in stock, I submit to your consideration whether some additional aid cannot be given towards their completion. Let me, however, call your attention to the necessity of commencing the improvement of a road from the Seat of Government to Smithland, passing through Bowlinggreen. A communication thus made would afford many advantages to the people of a great portion of the state; lateral roads might readily be made from the one adverted to, to other points, particularly to the enterprising and commercial City of Louisville. The munificence of the Legislature should be as general as possible; it should be extended, in a spirit of equality, to the various sections of the state, having due regard to leading objects of improvement. Should such be the action of the government, the people would be the better satisfied, and they would enter more cheerfully into the business and system of internal improvement.

The Louisville and Portland Canal, I am gratified to learn, is completed, and the passage of vessels through it rendered safe.

To the enterprize of a company of individuals, we are indebted for the commencement and progress of a work, of a high and useful character in the list of improvements—the *Lexington and Ohio Rail Road*. I feel great solicitude for the successful termination of this work, as tending, in so eminent a degree, to afford facilities to the traveller, the farmer, the merchant, and the manufacturer. Much is due to those gentlemen who have thus engaged in a work, so well calculated to benefit the public.

The Lunatic Asylum, at Lexington; the Deaf and Dumb Asylum, at Danville; the Hospitals, at Louisville and at Smithland, are institutions which I hope will continue to receive the patronage of the Commonwealth. The unfortunate inmates of those establishments exhibit strong claims upon our benevolence and sympathies, and appeals on their behalf, will not, I am sure, when made to the Representatives of the high-minded people of Kentucky, be disregarded.

The police and finances of the Penitentiary are of a character highly creditable to the gentleman who has charge of that Institution. Whilst the unfortunate convicts are made to attend reasonably to business, they are well clothed and fed, and treated humanely.

The Judiciary is an important department of the government; and, whatever relates to it should have your especial consideration. It is the interest of the people to have able and enlightened courts, and intelligent jurors. If a litigant should be satisfied that such is the case, and his suit be decided against him, he would most generally acquiesce; but if not, or, from any other cause he supposes injustice has been done him, he will put himself to the expense of an appeal, and if unsuccessful, will complain still. The great purpose is that the law be correctly administered, and that the people be satisfied.

In relation to jurors, I am decidedly of opinion that a change should be made in the mode of selection; and, that they should have a reasonable compensation for their services. Let them be selected either by the Sheriff, or the county court, some time before the term, at which they shall be required to attend. Let the additional expense be paid.

in part, by the litigants, and the balance by the state. This change would bring to the jury-box men generally better qualified to decide the various matters of dispute between man and man; who would give more attention, than is now generally bestowed on the subjects brought before them; the result would afford a more correct decision of controversies. If it be objected that the change would tend to an additional expense, to some extent, I ask, to whom would the money go?—the people, to the great body of citizens, those who pay the taxes and fight the battles of the country. I hold that every man is entitled to some compensation for public service. Upon what principle is it, that an individual is often compelled to remain, day after day, pay his own expenses, and not receive one cent for his attention to the business of others? The people love their government, they know its value, they know its cost, they know that all governments must be supported; and whatever is *necessary*, under an economical administration of it, will always be rendered with pleasure.

The militia of our country is its great defence. In a time of peace we should always prepare, and be ready for war; we know not when it may come. I find that it is duly organized; but the details of the system need some revision. The law anterior to our last session of the Legislature required of Captains to report the strength of their companies at the *June* muster. The parade in that month was abolished, and no provision made requiring the report to be made at any *other* time. There is on hand a considerable number of muskets, yagers, pistols, and swords, which I should be pleased to see distributed among the militia of the state. It adds greatly to the appearance and energy of a regiment that it be well armed, and the officers in uniform with side arms.

We have in the Bank of Kentucky funds amounting to about the sum of fifty thousand dollars, which will be paid over as stock to the Commonwealth's Bank, as distribution may be made to stockholders.

From the Bank of the Commonwealth it is believed we may calculate on receiving, by the time it is closed, the sum of six hundred thousand dollars. The amount of notes in circulation is about the same as last year; the diminution is but little for the last two or three years, owing to the re-issue through the Treasury.

I submit to your consideration whether a law in relation to "riots, routs, and unlawful assemblies," does not require amendment. Cases of the most flagrant character are certain to be brought before a Justice of the Peace for trial, the warrant taken out perhaps upon the information of the person who violated the law, and the case frequently tried *exparte*. The limit to the fine is twenty dollars, and a trial before a magistrate within thirty days is a bar to any further prosecution. Would it not be better to allow an appeal to the circuit court, at the instance of the Commonwealth, by some officer, or, of the defendants. Enlarge the maximum of the fine, or repeal the law entirely, and let the circuit court have exclusive jurisdiction of such cases. The law, as now very generally executed, is inefficient in many cases of outrage.

I would suggest to you, gentlemen, the propriety of a particular examination into the laws in relation to retailing spirituous liquors without license. A well regulated tavern is highly beneficial to the community; but heavy penalties should be imposed upon those who violate the law,



and retail those liquors without authority. The practice exists to a considerable extent, and tends greatly to intemperance, an evil that has a more deleterious influence upon society than perhaps any other. A habit of using the intoxicating draught to excess, destroys the faculties of the mind, prostrates the energies of the body, brings on premature old age and disease. It destroys a man's peace of mind, that of his family, and of society—leads to the gaming-table, to the loss of property, and to bankruptcy, and often seduces its victim to the commission of capital offences.

I regret, gentlemen, that in the discharge of my duty, I have to exhibit the state of our finances. On the 10th of October last, there was a balance *against* the Treasury of *one hundred and forty-seven thousand five hundred and thirty-four dollars!!!* Debts against the national or state governments ought not to exist, except on extraordinary emergencies. They are at any time an evil, that should be got rid of as soon as possible. If tolerated they readily accumulate—we should never burthen our children with that, which it is *our* duty to meet.

I have endeavored thus to give you an expose, to some extent, of the condition of the Commonwealth, and to present some subjects to your consideration; but I feel that I should not do justice to myself, nor to the people, if I did not pursue the subject further. The question is, what may be done to improve the condition and finances of the state? I am aware of the importance of the solution, and of the difficulty of answering it in a way satisfactory to all; *that* is not to be expected. But every man should meet the responsibilities of his station, and rely upon the magnanimity and forbearance of a confiding people. From the best view that I have been able to take of the condition of the country, and of the interests of the people, I feel impelled by a sense of duty, aside of every consideration other than public good, to recommend to your attention the establishment of a Bank based upon a solid capital, whose notes shall be equal to gold or silver. The state has funds in the banks of Kentucky and of the Commonwealth, that may be fairly estimated at six hundred and fifty thousand dollars. Let those funds be realized, and subscribed as stock in the Bank proposed, as soon as can be with convenience; the balance of the stock to be taken by individuals; the capital to be two millions of dollars, or more, under the direction of a principal Bank, and three or four branches, not more; a reasonable annual tax on the stock held by individuals, as a bonus, to be fixed in the charter; the directors to be appointed in part by the state, and the balance by the stockholders.

I know that in recommending this subject, I shall be met with many objections. Be it so. I have done what I believe to be my duty, and that which, in my opinion, would increase the prosperity of the people, whose interests it is my great desire to advance.

It will be said that I am in favor of a depreciated currency. Not so: no one is more solicitous for a sound circulating medium than I am. Does it follow that the establishment of a Bank, as is proposed, would tend to a depreciation of the currency? I think not. Whenever it failed to redeem its notes in gold or silver, the charter should be declared at an end, never to be resuscitated. If a bank be prudently and carefully man-

aged, there is no danger that it will not be able to sustain its credit. Our sister states have their banks of good credit, and why is it that we cannot do the like? Shall we, *the people of Kentucky*, be tributary to other states and countries, compelled of necessity to give, and they to receive, the profit arising from banking institutions? Let us endeavor to take care of ourselves.

It will be said that we have suffered by a depreciated currency, and that it would therefore be impolitic to make another effort. What does an objection of that character imply?—that we are not able to take care of our own interests—that we are indeed incapable of self-government—that the people have not intelligence and firmness enough to rule. I flatter myself that no one need be alarmed by such apprehensions, and that we have in our state, honesty, prudence, talent, and experience, sufficient to manage the concerns of a Bank in a way beneficial to the country. If an individual fail in business, because of an effort to do more than his means justified, will he fold his arms unwilling to do any thing, lest he may fail again? He should rather redouble his energies; endeavor to profit by the past, and take a prudent, cautious course; make no engagement that he has not the ability to perform. The currency was depreciated, because the business of banking was entirely *overdone*. Banks were put into operation in more than half the counties in the state *without capital*. It was impossible for them to sustain their issues. But I trust we have profited by past experience. Let no such banks go into operation. Let the money be had *first*, and then *issue*.

The capital might, as I hope, be readily raised. Afford an opportunity at least to make the effort. That which belongs to the state can certainly be had, as the Banks of Kentucky and of the Commonwealth close their business. Those who have money engaged in private loans would, in most cases, prefer to withdraw it, and vest it in an institution that would be permanent and useful.

A great portion of the sum that I have mentioned as belonging to the state, has been unproductive for several years. It is known, that neither the Bank of Kentucky nor of the Commonwealth, has made any discounts for a considerable time past. The state's portion of stock in the Bank of Kentucky, has been annually distributed and subscribed as stock in the Bank of the Commonwealth, where it has been unavailing.

The settled policy of the government, for many years, was to invest the proceeds of the sales of vacant land south of Green river, and elsewhere, in stock in the Bank of Kentucky, which continued until we had accumulated the sum of five hundred and ninety-six thousand seven hundred dollars; the consequence was, that in the years 1819, '20, and '21, there was paid into the Treasury of the state, on account of the dividends due the Commonwealth on her stock, and of tax on stock owned by individuals, the sum of one hundred and thirty-five thousand three hundred and fifty-four dollars, equal to an average of forty-five thousand one hundred and eighteen dollars per annum. But in the year 1822 the charter of that bank was repealed: *and what followed?* The item of forty-five thousand one hundred and eighteen dollars, for state's dividend and tax on bank stock, *disappeared*, no longer to be seen in the report of receipts into the treasury, and a state debt created to the a-

mount before stated. What then is our condition? Valuable public works in progress, others of like importance to the state that should be commenced; a solicitude to patronize education—to pay jurors for their services; the current expenditures of the government to be provided for, and—a *treasury in arrear the sum of one hundred and forty-seven thousand five hundred and thirty-four dollars*—a debt of no ordinary magnitude. I have said to you gentlemen, establish a Bank—a Bank to be based on a substantial capital. Re-invest the stock owned by the state, as it was in the Bank of Kentucky, and restore to the Treasury that annual “item” of forty-five thousand one hundred and eighteen dollars, on account of state’s dividend and tax on bank stock, as soon as possible, or as much of it as we can; and whilst we should thus aid the finances of the state, we would afford some facilities to the people, in furnishing an addition to the circulating medium, which would be equal to gold and silver.

A prudent man will endeavor to live upon the *proceeds* of his estate. He should not exhaust his *capital*, if in his power to prevent it.

It is a subject of gratulation, that our relations with the general government are of the most amicable character. No question of supposed violated state sovereignty agitates *our* Commonwealth. Our ancestors, in their wisdom and patriotism, have given us a form of government infinitely superior to that of any other nation—predicated upon the idea that all power emanates from the people. A legacy so valuable must be retained. The integrity of the Union must be preserved. It was said by many, that our government could not bear the test of experiment; but it has turned out otherwise; and it is a source of much pleasure to me, that by recent developements, a large majority of the people of the Union have manifested their approbation of the manner in which it has been administered. The great object of government is, that the people be satisfied. When that is the case we have no fear of disunion.

Suffer me gentlemen, in conclusion, to assure you, that I shall be highly gratified in co-operating with you in such measures as may tend to advance the interest of the Commonwealth.

JOHN BREATHITT.

*December 4, 1832.*

*Ordered*, That the public printer print fifteen hundred copies of the said message, for the use of the Senate.

On the motion of Mr. Wickliffe,

*Resolved*, That the secretary of the Senate procure a copy of the Federal Census of this state, taken in 1830; and also the number of the free white males, above the age of twenty-one years, in each county in this state, as returned by the commissioners of taxable property for 1831; and cause to be printed one hundred and fifty copies thereof, for the use of the legislature.

And then the Senate adjourned.



WEDNESDAY, DECEMBER 5.

The Senate assembled.

Mr. John B. Bibb, a member of the Senate, from the counties of Logan and Simpson; and Mr. William Conner, a member from the counties of Greenup, Lawrence and Lewis, appeared and took their seats.

The Speaker laid before the Senate, the annual report of the Receiver of public moneys for lands West of the Tennessee river, which is as follows, viz:

WAIDSBORO', KENTUCKY, }  
Receiver's Office, November 21, 1832. }

Agreeably to an act of Assembly, approved 22d December, 1831, requiring of the Receiver to receive in payment, for lands sold in the land district west of the Tennessee river, specie, bills upon the Bank of the United States, or its branches, and to allow to the persons making payment in such funds, five per cent. upon the same, and to keep an accurate account of such good funds as he may receive, as well as of the Commonwealth's bank paper, distinctly and separately; the undersigned, receiver of public moneys of said district, asks leave to make the following report, viz:

Received in Commonwealth's bank paper, since the settlement made at Frankfort in May last with the register, auditor and treasurer,		\$15,585 43 $\frac{1}{2}$
In specie and United States' bank bills,	\$1,700 00	
Five per centum allowed by law,	85 00	
	<hr/>	1,785 00
Total amount, including the per cent. on good funds,		\$17,370 43 $\frac{1}{2}$
Commission, or per centage, for 1831 and 1832,		600 00
		<hr/>
Due the state, . . . . .		\$16,770 40 $\frac{1}{2}$

All of which is respectfully submitted to the honorable Legislature of the Commonwealth of Kentucky.

EDMUND CURD,  
*Receiver of Public Moneys West of the Tennessee river.*

P. S. In addition to what has been set forth by the undersigned, he will now beg leave to represent, that owing to the great exertion of the occupants of the country to save their improvements, before the expiration of the term giving time exclusive right of entry, by act of the last General Assembly, there has been a greater number of entries made



since May last than was anticipated. Most or all of the valuable lands have been taken up; and at the present price there will, in all probability, be but few entries made during the ensuing year. He is of opinion, that it is to the interest of the state to dispose of all the lands which are vacant, as soon as practicable; and it would no doubt enhance the value and condition of the country very much. To effect this desirable object, he would recommend a reduction of the price of the vacant lands, so as to induce the people to immediately appropriate and take up so much of the vacant lands as are worth possessing. He is of opinion, that the proper course of legislation in relation to this subject, is to graduate the price of the public lands according to their value; an observance of this rule must necessarily produce a reduction of the price, inasmuch as none of the lands remain vacant except the refuse, &c.

EDMUND CURD.

*Ordered*, That the said report be referred to the committee of finance.

The Speaker laid before the Senate, a letter from the auditor of public accounts, covering his annual report; and a settlement of the auditor, treasurer and register, with the receiver of public moneys, for lands west of the Tennessee river, which is as follows:

AUDITOR'S OFFICE, KY. }  
*Frankfort, 5th December, 1832.* }

SIR—You will please lay before the Senate the accompanying statements, comprising the Auditor's report for 1831-2; and the report of the Register, Auditor and Treasurer, (by special act of Assembly,) of the situation of the books and accounts of the Receiver of public moneys West of the Tennessee river, up to the first day of May, 1832.

Respectfully, yours,

PORTER CLAY, *Auditor Public Accounts.*

JAMES T. MOREHEAD, *Lt. Governor and President of the Senate.*

## AUDITOR'S REPORT.

## No. 1.

*A statement of moneys received and paid at the Treasury, for the year ending on and including the 10th day of October, 1832, to-wit:*

*Bank Stock Fund—*

Received on lands granted under the acts of 1795, 6, and 1800, (denominated head-rights,)	\$ 283 60	
Ditto under the acts of 1815, 20 and 25, (denominated land-warrants,)	2,783 35	
	<hr/>	\$3,066 95

*Non-residents' Lands—*

For tax received on non-residents' lands,	1,818 49
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*Revenue collected by Sheriffs—*

From the sheriffs, for the collection of the revenue of	1821,	525 00	
Ditto	1824,	9 61	
Ditto	1827,	38 71	
Ditto	1829,	285 90	
Ditto	1830,	65,777 05	
Ditto	1831,	3,962 55	
	<hr/>		70,598 82

*Revenue collected by Clerks, &c.—*

From clerks, for taxes received on law process, deeds, seals, &c.,	11,516 45	
Do. Register of the Land Office,	1,053 49	
Do. Secretary of State,	10 45	
	<hr/>	12,580 39

*Miscellaneous Receipts—*

For taxes received for the redemption of residents' lands forfeited to the State, &c.	45 83
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*Lands West of Tennessee River—*

For the sale of lands by Edmund Curd, receiver of public moneys, (being in full up to the 1st of May, 1832, at which time a full settlement was made by the Register, Auditor and Treasurer, commissioners appointed by the last Legislature for that purpose,)	\$32,428 59
	<hr/>
	\$120,539 07

(Amount forwarded.)

(Amount brought forward,) \$120,539 07

*Sale of Warrants—*

For warrants to be laid on forfeited lands, \$	75 00
Ditto to belaid West Cum'land river,	568 30
Ditto to confirm titles to forfeited lands,	30 00

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673 30

*Bank of the Commonwealth of Kentucky—*

For the nett profits of said institution from the 30th day of November, 1830, to the 30th day of November, 1831.—No report made since said date,

24,151 85

*Bank of Kentucky—*

For distribution of stock, (in Commonwealth's paper,)	14,917 50
Ditto (in specie,) being the balance due, after deducting \$1,058 16 allowed John D. Hays, by an act of the last Legislature,	13,859 34

Total amount received by the Treasurer from the 11th of Oct., 1831, to the 10th of Oct., 1832, inclusive,

174,141 06

Total amount received in Commonwealth's paper,	160,281 72
Ditto in Specie,	13,859 34

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*Commonwealth's Paper.*

Warrants reported to have been paid by the Treasurer from the 11th day of October, 1831, to the 10th of Oct. 1832, is 148,229 95

Stock subscribed in the Bank of the Commonwealth of Kentucky, same time, 14,917 50

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Whole amount paid	163,147 45
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Balance due from government on the 10th October, 1831,

93,494 17

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Making the whole debit,	256,641 62
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From which deduct the amount of receipts as enumerated above,

160,281 72

Balance due from government on the 10th October, 1832,

96,359 90

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*Specie.*

Warrants reported to have been paid by the Treasurer from the 11th October, 1831, to the 10th Oct. 1832,

33,139 65

Stock subscribed in the Bank of the Commonwealth of Kentucky, same time,

13,859 34

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Whole amount paid,	46,998 99
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Balance due from government on the 10th October, 1831,

18,035 41

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Making the whole debit,	\$65,034 40
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(Amount forwarded.)

(Amount brought forward,)	\$65,034 40
From which deduct the amount of receipts as enumerated above,	13,859 34
Balance due from government on the 10th October, 1832,	51,175 06
Amount due from government on the 10th day of October, 1832, in Commonwealth's paper,	96,359 90
Ditto in Specie,	51,175 06
Total amount due,	147,534 96

**No. 2.**

*A statement of warrants drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive; shewing the amount drawn for each source of expenditure; and, also, the amount of warrants paid and unpaid during the same period, viz:*

*Jailors—*

Attending on courts, furnishing fuel, &c.	\$2,857 36
Committing and releasing criminals,	152 28
Dieting criminals,	3,977 50
Conveying criminals to jail,	2 50
Ironing criminals,	1 37
	6,991 01

*Executive Offices—*

Fuel, stationary, &c. furnished the Auditor's Office,	663 97
Ditto Treasurer's Office,	220 75
Ditto Land Office,	918 61
Ditto Secretary's Office,	675 47
	2,478 80

*Public Printer—*

For advertising non-residents' lands,	25 25
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*Distributing Acts and Journals Nov. Session, 1831—*

First District,	90 00
Second or Middle District,	110 00
Third District,	85 00
	285 00

*Criminal Prosecutions—*

For the attendance of venire-men,	4,804 00
Ditto of witnesses on behalf	
Com'wealth in criminal prosecutions,	3,837 60
Sheriffs for apprehending criminals,	462 00
	\$9,103 60
	\$9,780 06.

(Amounts forwarded.)



(Amount brought forward,) \$9,780 06

*Criminal Prosecutions—(continued.)*

Amount brought forward,	\$9,103 60
Sheriffs, for summoning witnesses on behalf of the Commonwealth in criminal prosecutions,	707 18
Sheriffs, for summoning venires,	401 00
Constables, for whipping criminals,	96 98
Ditto for apprehending do.	1,488 00
Ditto for summoning witnesses on behalf of the Commonwealth in criminal prosecutions,	340 64
Sheriffs, for conveying criminals to the Penitentiary,	1,238 66
Guards, for guarding criminals in Jail, to Jail, and to the Penitentiary,	2,089 38
Sheriffs, for conveying criminals to Jail,	260 85
Constables, for conveying do. to Jail,	160 22
Sheriffs, for summoning juries in cases of idiots,	74 93
Sheriffs, for ironing criminals,	5 00
Sheriffs, for whipping criminals,	17 77
Sheriffs, for executing process for contempt in Commonwealth's cases, where the contempt is cleared,	68 20
Sheriffs, for executing criminals condemned to be hung,	31 26
Coroners, for summoning venires,	14 00
Ditto for attending court,	20 00
Sheriffs, for removing papers in change of venue, by act of Assembly,	19 32
Coroners, for summoning witnesses for the Commonwealth in criminal prosecutions,	84

16,137 83

*Public Communications—in Com'wealth's paper.*

By the Governor and Secretary,	58 07
Auditor Public Accounts,	19 34

77 41

*Ditto—in specie,*

By the Governor and Secretary,	172 37
Auditor Public Accounts,	301 58
Quartermaster General,	3 02

476 97

*Contingent Expenses—*

For arranging the public Library,	57 71
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\$57 71

\$26,472 27

(Amounts forwarded.)

(Amount brought forward,) \$26,472 27

*Cantingent Expenses—(continued,)*

Amount brought forward,	\$ 57 71	
To the sergeant of the Court of Appeals and the tipstaff, for their attendance on the Court of Appeals and Gen'l Court, and for furnishing fuel, &c. for same,	883 28	
Stationary, &c. furnished Quartermaster- General,	165 28	
Cutting and packing wood for the Legis- lature,	37 50	
Stove furnished Quartermaster General,	24 00	
Ditto Adjutant General,	24 00	
Repairing the public buildings,	381 62	
Binding Laws of other States,	120 31	
Binds furnished for the windows of the capitol,	16 71	
Salary, stationary, &c. of the Receiver of public moneys West Tennessee river,	290 37	
Publishing proposals to distribute the Laws, &c.	30 75	
Repairs done the Governor's house,	25 85	
Bags, &c. furnished the carriers of the public books,	62 91	
		2,120 29
<i>Salaries—</i>		
Annual salaries of the Judiciary officers,	19,173 17	
Ditto Executive officers,	7,596 83	
		26,770 00
<i>Attorneys—</i>		
Annual salaries of the Commonwealth's Attorneys,		4,894 77
<i>Military Expenditures—</i>		
Payment of Brigade Inspectors,	214 50	
Storage on public arms,	28 57	
Freight on ditto,	10 00	
Repairing of public arsenal,	23 21	
The pay of Provost Marshals,	2 00	
Repairing and cleaning public arms,	51 34	
		329 62
<i>Idiots—</i>		
For the support of Idiots,		12,974 19
<i>Decisions of the Court of Appeals—</i>		
Amount in adv. for Marshall's 4th vol.	350 00	
Balance for Marshall's 1st vol.	984 00	
	\$1,334 00	\$73,561 14.

(Amounts forwarded.)

(Amount brought forward,)

\$73,561 14

*Decisions of the Court of Appeals—(continued,)*

Amount brought forward,	\$1,334 00
Balance for Marshall's 2d vol.	936 00
Ditto 3d vol.	1,234 00
Amount in adv. for Marshall's 5th vol.	350 00
Ditto 6th vol.	350 00
Balance for Monroe's 7th vol.	1,126 00

5,330 00

*Clerks Services—*

Ex-officio services of the General and Circuit Court clerks,	3,760 00
Presses furnished the several clerks offices,	542 10
Record books furnished ditto,	1,788 46
Clerks of county courts for copying Commissioners books,	2,727 16
Circuit court Seals furnished,	22 62
Office Rent of the Clerk of the Court of Appeals,	50 00

8,890 34

*Deaf and Dumb—*

Kentucky institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils,

3,117 62

*Money Refunded—*

Taxes twice paid,	9 10
Fees paid into the Treasury for the attorney general, clerk of the General Court, &c. by delinquent officers vs. whom judgments have been rendered,	426 30

435 40

*Public Roads—*

Pay of Commissioners on the road from Pikeville or Shelby creek to the top of Cumberland mountain,	43 50
Ditto from Mountsterling to the Virginia line by the way of Prestonsburg,	6 00

49 50

*Sheriffs, Comparing Polls—*

For Congress,	537 02
Senate,	84 87
Electors, in 1828,	9 00
Governor and Lieutenant Governor,	1,592 45

2,223 34

*Legislature, Nov. Session, 1831—*

Pay of members,

14,425 72

(Amount forwarded.)

\$108,033 06



(Amount brought forward,)		108,033 06
<i>Appropriations Nov. Session, 1831—(in specie,)</i>		
To James Garrard,		60 00
<i>Appropriations Dec. Session, 1830—</i>		
To A. W. Dudley,		10 00
<i>Appropriations Nov. Session, 1831—</i>		
To William Shackelford,	382 03	
Thomas M'Grain,	154 85	
Joseph Gray,	143 50	
Gabriel I. Johnston,	210 00	
Bacon & Johnson,	26 87	
John J. Posey,	70 00	
William Wood,	788 85	
Benjamin R. Pollard,	210 00	
Joseph B. Crockett,	16 75	
Richard Apperson,	20 00	
Thomas S. Page,	120 00	
John Breathitt,	210 60	
James Stonestreet,	450 00	
Richard Rudd,	8 00	
Andrew M'Calla,	1,163 00	
R. K. Stout,	16 00	
Robert S. Todd,	450 00	
James Davidson,	73 40	
Cumberland Hospital,	1,429 50	
Alexander R. Macey,	20 00	
Moses B. Morrison,	92 00	
Tilman,	10 00	
Braxton,	10 00	
A. Trumbo, Jr.	10 00	
A. G. Hodges,	1,200 00	
A. C. Keenon,	428 00	
Lunatic Asylum,	10,000 00	
Jno. Brown, Jas. Shannon, Peter Dudley, and Jno. Harvie,	2,000 00	
Anthony Crockett,	143 50	
Jacob H. Holeman,	3,141 25	
L. Batchelor,	143 50	
Charles Hutchinson,	48 00	
William Holeman,	184 50	
John J. Crittenden,	188 00	
Jos. Taylor & Son,	9 37	
		23,571 47
<i>Sheriffs for Revenue—</i>		
Amount of Revenue overpaid, 1830,	332 86	
Ditto, ditto, 1827,	2 32	
Ditto, ditto, 1829,	14 33	
		349 51
(Amount forwarded.)		132,024 04

(Amount brought forward,)

132,024 04

*Slaves Executed—*

Hung by order of the Fayette circuit court,	485 00
Ditto Mason ditto,	450 00
Ditto Montgomery ditto,	440 00

1,375 00

*Commssioners of Tax—*

For taking in lists of taxable property for 1831,	7,163 60
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*Turnpike Roads—(Commonwealth's paper,)*

Shelby County,	7,515 63
From the mouth of Sandy river to J. M. Rice's in Bath county,	1,000 00

8,515 63

*Ditto—(Specie,)*

Maysville, Washington, Paris and Lexington,	50,000 00
Shelby county,	6,000 00

56,000 00

*Greenup County Bridges—*

Under act of the Assembly, approved, 11th Feb. 1828,	15 00
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*Bridges—(Specie.)*

Pay of comm'r's to Rockcastle bridge,	156 00
In part of the State's subscription to Taylorsville bridge,	850 00

1,006 00

Distributing Acts and Journals, Dec. Session, 1829,	112 00
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*Legislature Dec. Session, 1828—*

Balance of pay due Tho. J. Young, a Representative,	8 00
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Total amount of warrants issued from the 11th day of October, 1831, to the 10th of Oct. 1832, inclusive,

206,224 27

Total warrants issued in Specie,

57,542 97

Ditto Commonwealth's paper,

148,681 30

*Commonwealth's Paper,*

Warrants issued from the 11th of October, 1831, to the 10th of October, 1832,	148,681 30
Warrants unpaid on the 10th Oct. 1831,	2,959 77

Making a sum of

151,641 07

From which deduct the amount of warrants reported to have been paid by the Treasurer, from the 11th of Oct. 1831, to the 10th of Oct. 1832, inclusive,

148,229 95

Warrants unpaid on the 10th of Oct. 1832, in Commonwealth's paper,

3,411 12

*Specie.*

Warrants issued from the 11th of October, 1831, to the 10th of October, 1832,	57,542 97	
From which deduct the amount of war- rants reported to have been paid by the Treasurer during same time,	33,139 65	
	<hr/>	
Warrants unpaid on the 10th of Oct., 1832, in specie,		24,403 32
		<hr/>
Warrants unpaid on the 10th of October, 1832, in Commonwealth's paper,	3,411 12	
Ditto, in specie,	24,403 32	
	<hr/>	
Total,		27,814 44
		<hr/>

**No. 3.**

*A statement of debts due to government on the 10th day of October,  
1832, viz:*

*Of the Revenue collected by Sheriffs—*

For the year	1793	104 06	
Ditto	1794	138 61	
Ditto	1796	1,805 36	
Ditto	1798	101 36	
Ditto	1799	217 25	
Ditto	1800	172 26	
Ditto	1802	31 99	
Ditto	1803	1,662 21	
Ditto	1806	613 26	
Ditto	1807	279 43	
Ditto	1809	48 58	
Ditto	1811	52 44	
Ditto	1815	10 26	
Ditto	1817	754 54	
Ditto	1819	942 86	
Ditto	1820	472 30	
Ditto	1821	1,519 02	
Ditto	1823	374 16	
Ditto	1824	510 67	
Ditto	1825	1,010 58	
Ditto	1828	16 54	
Ditto	1829	37 63	
Ditto	1830	519 30	
		<hr/>	
			11,394 67
Debts receivable,			7,127 84
Tax on Bank stock, (Independent Banks,)			1,105 06
Clerks, for taxes,			5,665 14
Loans to the Penitentiary,			58,593 58
Treasurer of the town of Columbus,			1,473 85
			<hr/>
Total amount of debts due to government on the 10th day of October, 1832,			85,360 14



**Stock owned by the State.**

In the Bank of Kentucky,	119,340 00
In the Bank of the Commonwealth of Kentucky, in specie,	58,611 84
Ditto, in Commonwealth's paper,	602,228 63

*In Turnpike Roads—*

Maysville, Washington, Paris and Lexington, Com'wealth's paper,	14,285 70	
Shelby county ditto,	26,273 26	
	<hr/>	40,558 96

Maysville, Washington, Paris and Lexington, in specie	62,500 00	
Shelby county, ditto,	6,000 00	
	<hr/>	68,500 00

Taylorsville bridge, in Com'wealth's paper,	571 42	
Ditto, in specie,	850 00	
	<hr/>	1,421 42

Total amount of stock owned by the State on the 10th of October, 1832,	<hr/> <hr/>	890,660 85
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**No. 4.**

*A statement of debts due from Government on the 10th day of October, 1832, and for which the Treasury is bound for payment. viz:*

*Sheriffs for Revenue—*

Revenue for 1818, overpaid,	8 32
Ditto 1822, ditto,	1 02
Ditto 1826, ditto,	7 80
Ditto 1827, ditto,	4 68

To the town of Columbus,	2,052 84
Purchasers of Non-residents' lands,	258 18

Warrants unpaid, in Com'wealth's paper,	3,411 12	
Ditto in specie,	24,403 32	
	<hr/>	27,814 44

Attorneys for salaries due,	1,712 18
Salaries due to the Judiciary and Executive officers.	8,030 87
Treasurer town of Waidshoro',	05

Total amount due from government on the 10th day of October, 1832,	<hr/> <hr/>	39,890 38
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Of which is in specie,	24,403 32
Ditto Commonwealth's paper,	15,487 06

**No. 5.**

*A statement shewing the debits and credits of the Revenue account for 1830, as due from Sheriffs during the year ending on the 10th day of October, 1832, viz:*

**DEBITS.**

Balance due the Commonwealth on the		
10th day of October, 1831,	\$77,064	31
Additional lists charged,	72	29
Costs of judgments charged,	8	50
Errors corrected,	49	50
Warrants issued for accounts overpaid,	332	86
	<hr/>	77,527 46

**CREDITS.**

By amount paid Treasurer,	65,777	05
Amount of delinquents, exonerations,		
and errors corrected,	4,470	70
Commission for collecting,	5,600	41
Wolves killed,	1,160	00
	<hr/>	77,008 16

Balance due government on the 10th day of October,		
1832, as per statement No. 3,		519 30
		<hr/> <hr/>

**No. 6.**

*A statement shewing the debits and credits of the accounts of Clerks, (Circuit, County, Court of Appeals, and General Court,) for the collection of tax on law process, deeds, seals, &c. accounted for, during the year ending on and including the 10th of Oct., 1832, viz:*

**DEBITS.**

Balance due Commonwealth on the 10th		
day of October, 1831,	\$ 6,669	93
Amount of accounts rendered,	10,822	00
Ditto of costs charged,	240	51
	<hr/>	17,732 44

**CREDITS.**

By amount paid the Treasurer,	11,516	45
Commission for collecting,	540	85
Circuit Court seal furnished,	10	00
	<hr/>	12,067 30
Balance due government on the 10th day of October,		
1832, as per statement No. 3,		\$5,665 14
		<hr/> <hr/>

**No. 7.**

*A statement shewing the probable amount of the expenditures of Government for the year ending on and including the 10th day of October, 1833, viz:*

Jailors,	\$ 8,000 00
Executive Offices,	2,500 00
Public Printer,	35 00
Distributing Acts and Journals, Dec. Session, 1832,	300 00
Criminal Prosecutions,	16,000 00
Public Communications,	600 00
Contingent Expenses,	2,500 00
Salaries of the Executive and Judiciary Officers,	30,000 00
Military Expenditures,	500 00
Idiots,	13,000 00
Decisions of the Court of Appeals,	4,500 00
Clerks Services,	9,000 00
Deaf and Dumb Asylum,	3,000 00
Money Refunded,	400 00
Public Roads,	50 00
Sheriffs Comparing Polls,	2,000 00
Slaves Executed,	2,500 00
Commissioners of Tax,	8,000 00
Sheriffs for Revenue overpaid,	300 00
Turnpike Roads,	2,500 00
Legislature, Dec. Session, 1832, including all expenses, and supposing the same to sit eight weeks,	40,000 00
Lunatic Asylum,	10,000 00
<hr/>	
Total amount expected to be expended during the year ending on the 10th day of October, 1833,	<u>\$155,685 00</u>

**No. 8.**

*A statement of moneys which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1833, subject to the expenses of government, viz:*

The gross amount of the Revenue collectable by sheriffs for the year 1831, and made payable on the first Monday in December next, is	\$81,175 19
The loss on the collection of the same, including credits for commissions, exonerations, delinquents, and compensation for killing Wolves, is presumed, will be about 16 per cent. am'ting to,	12,988 03

Leaving,	<u>68,187 16</u>
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(Amount forwarded.)



Amount brought forward,	\$68,178 16
Of this sum there has been collected and paid into the Treasury, previous to the 10th of October, 1832, as in statement No. 1,	\$ 3,962 55
The delinquent sheriffs will be about,	500 00
	<hr/> 4,462 55
Which leaves a sum that may be expected will be paid into the Treasury during the ensuing year, of	63,724 61
Of the Revenue collectable by clerks, (including tax on tavern licenses, &c.) Register of the Land Office, and the Secretary of State,	20,000 00
Miscellaneous receipts,	50 00
For tax on non-residents' lands,	2,500 00
From the Bank of the Commonwealth of Kentucky,	10,000 00
From the Bank stock fund, viz: Vacant and head-right lands,	3,000 00
From the sale of Warrants, viz: To be laid west of Cumberland river,	500 00
Ditto on forfeited lands,	100 00
Ditto to confirm titles,	50 00
	<hr/> 650 00
For the sale of lands west of Tennessee river,	25,000 00
From the balances due government, as in statement No. 3, will be collected of Revenue due by sheriffs,	1,200 00
Ditto due by clerks,	3,500 00
From loans to the Penitentiary,	500 00
From Treasurer town of Columbus,	1,473 85
Of the other balances it is not supposed that any thing can be collected.	
Total amount expected to be received during the year ending on and including the 10th of Oct., 1833,	<hr/> 131,598 46
Balance due from government, as in statement No. 1, in Com'wealth's paper,	93,359 90
Ditto in specie,	51,175 06
	<hr/> 147,534 96
Ditto No. 4, the statement of debts due from government, in Com'wealth's paper,	15,487 06
Ditto in specie,	24,403 32
	<hr/> 39,890 38
Ditto No. 7, the supposed amount of the expenses for 1833,	155,685 00
Making a sum that may be expected will be expended during the year ending on the 10th Oct., 1833, of	<hr/> 343,110 34
(Amount forwarded.)	<hr/> 343,110 34

Amount brought forward,	\$343,110 34
From which deduct the expected receipts, as in the foregoing statement, No. 8,	<u>131,598 46</u>
Leaving a supposed balance due from government on the 10th day of October, 1833, of	<u>\$211,511 88</u>

*Ordered*, That the said report be referred to the committee of finance.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie,

1. A bill to incorporate the Louisville Hotel Company.

On the motion of Mr. Dougherty,

2. A bill to amend the law incorporating the town of Warsaw, in Gallatin county; and

On the motion of Mr. Brown,

3. A bill to authorise the county court of Jessamine to erect gates across certain roads.

Messrs. Guthrie, Churchill and Thornton, were appointed a committee to prepare and bring in the first; Messrs. Dougherty, Stephens and George, the second; and Messrs. Brown, Stephens, Murrell and Wingate, the third.

A message was received from the House of Representatives, by Mr. Prince, announcing the appointment of a committee of enrolments on their part.

Mr. Wickliffe moved the following resolutions, viz:

1. *Resolved*, That so much of the Governor's message as relates to navigable streams and roads, be referred to the committee on internal improvements.

2. *Resolved*, That so much of said message as relates to the judiciary and the laws of this commonwealth, be referred to the committee of courts of justice.

3. *Resolved*, That so much of said message as relates to the revenue of the state, and the erection of a new bank, and other fiscal concerns of the state, be referred to the committee of finance.

4. *Resolved*, That so much of said message as relates to the administration of the general government, and its relations with this state, be referred to a select committee of five members, with leave to report by bill or otherwise.

Which were twice read and adopted.

Messrs. Wickliffe, W. Owsley, Payne, Wingate and James, were appointed a committee, pursuant to the fourth resolution.

The yeas and nays being required on the adoption of the fourth resolution, by Messrs. Wingate and Brown, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Conner, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—21.





A STATEMENT exhibiting the amount of Revenue receivable by the Sheriffs and Clerks of each County, during the year ending on and including the 10th day of October, 1832; the amount of expenditures of each County during the same time; and shewing the difference between the Revenue and Expenditures; also, the number of White Males over 21 years old, for the year 1831, as per the Commissioners' books filed, viz:

REVENUE CHARGEABLE TO SHERIFFS.										DITTO TO CLERKS.		TOTAL AMOUNTS.				WHITE MALES OVER 21 YEARS OF AGE.
COUNTIES.	NO.	TAX.	NO.	TAX.	VALUATION OF PROPERTY.	TAX ON PRO- PERTY.	TOTAL TAX PER COM- MERS.	ADDITIONAL REV- ENUE CHARGED TO SHERIFFS.	TOTAL REV- ENUE CHARGED TO SHERIFFS.	TAX ON LAW PROCESS, ETC.	TOTAL REV. CHARGED TO SHERIFFS & CLERKS.	AMOUNT OF EXPENDI- TURE.	NETT REVE- NUE.	EXPENDI- TURE EXCEED- ING REVE- NUE.		
Adair,	19	\$ 52 75	2	\$ 20 00	\$ 940,789	\$ 587 99	\$ 660 74	\$ 14 88	\$ 675 62	\$ 110 00	\$ 785 62	\$ 606 95	\$ 478 07		1,116	
Anderson,	17	37 00	3	30 00	567,945	354 97	421 97	8 67	430 64	97 00	527 64	241 63	286 01		727	
Allen,	12	21 50	2	20 00	565,077	353 18	394 68	8 73	403 41	61 00	464 41	1,092 75		628 31	928	
Boon,	16	43 00	5	50 00	1,592,910	995 57	1,088 57	15 71	1,104 28	119 00	1,223 28	637 52	585 76		1,352	
Bracken,	18	58 00	2	20 00	757,956	473 72	551 72	12 41	564 13	78 50	642 63	250 87	391 76		1,041	
Barton,	91	347 00	7	70 00	6,054,147	3,783 85	4,200 85	54 92	4,255 77	364 50	4,620 27	891 55	3,725 72		2,070	
Builer,	5	5 50	1	10 00	238,723	149 21	161 71	6 86	171 57	30 00	201 57	267 90		66 33	454	
Barren,	42	155 50	2	20 00	1,986,932	1,211 84	1,417 34	45 77	1,463 11	225 00	1,688 11	719 12	968 99		2,023	
Bullitt,	9	20 50	2	20 00	683,721	427 33	467 83	47 38	515 21	77 00	592 21	350 57	241 64		900	
Breckinridge,	20	49 00	4	40 00	971,340	607 09	696 09	6 32	702 41	101 00	803 41	580 67	222 74		1,061	
Bath,	19	52 50	3	30 00	1,377,795	861 12	943 62	40 63	984 25		984 25	596 83	387 42		1,286	
Cassey,	7	17 50	2	20 00	360,179	225 11	262 61	3 26	265 87	40 00	305 87	186 72	119 15		661	
Clay,	6	13 50	3	30 00	363,110	227 13	270 63		270 63	17 50	288 13	652 25		364 12	547	
Caldwell,	13	33 75	2	20 00	1,080,998	675 62	729 37	20 19	749 56	162 50	912 06	571 77	340 29		1,172	
Chamberland,	8	22 50	3	30 00	834,348	521 47	573 97	8 42	582 39	83 50	665 89	662 03	3 86		1,168	
Campbell,	28	53 00	3	30 00	1,420,144	887 59	970 59	7 09	977 68	228 50	1,206 18	1,315 37		109 19	1,781	
Christian,	30	109 50	6	60 00	2,301,096	1,138 19	1,607 69	83 06	1,690 75	275 50	1,966 25	911 14	1,025 11		1,509	
Clarke,	39	123 00	13	130 00	3,023,978	1,889 99	2,142 99	46 06	2,189 05	148 50	2,337 55	2,305 87	31 68		1,694	
Calloway,	15	30 00			323,332	203 96	233 96	7 67	241 63	51 00	292 63	362 05		69 42	936	
Davies,	10	25 50			604,349	377 69	403 19	37 93	441 12	60 50	501 62	503 48		1 86	792	
Edmondson,	3	5 00			235,903	148 06	153 06	12 46	165 52	55 00	220 52	307 91		87 42	407	
Estill,	4	8 00	1	10 00	332,723	226 70	244 70	10 74	255 44	62 00	317 44	291 77	25 67		673	
Fayette,	484	202 00	35	360 00	7,092,181	4,432 62	4,994 62	143 64	5,138 26	338 50	5,476 76	3,338 50	2,138 26		2,134	
Floyd,	5	9 50	5	50 00	240,250	150 16	209 66	3 73	213 39	72 00	285 39	566 25		280 86	635	
Fleming,	49	132 50	1	10 00	1,961,058	1,225 66	1,368 16	34 18	1,402 34	131 50	1,533 84	947 04	589 80		2,198	
Franklin,	14	83 50	8	80 00	1,839,819	1,149 89	1,313 39	54 93	1,368 32	369 50	1,737 82	741 35	996 47		1,134	
Gallatin,	13	35 50	5	50 00	889,411	555 88	641 38	32 66	674 04	102 00	776 04	461 28	311 76		984	
Greenup,	8	18 50	3	30 00	614,894	403 06	451 56	23 64	475 20	68 00	543 20	620 26		77 00	944	
Green,	26	91 50	6	60 00	2,033,386	1,270 87	1,422 37	30 52	1,452 89	171 00	1,623 89	585 93	1,037 96		1,815	
Grant,	9	20 50	3	30 00	316,963	198 10	218 60	10 20	228 80	74 50	303 30	193 36	139 94		512	
Graves,	8	22 00			205,187	128 24	150 24	6 92	157 16	38 00	195 16	785 51		590 35	448	
Grayson,	11	13 00			293,504	183 44	196 44	10 69	207 13	42 00	249 13	460 00		210 87	627	
Garrard,	27	197 50	2	20 00	1,713,010	1,089 38	1,306 88	22 73	1,329 61	137 50	1,467 11	607 73	859 38		*1,202	
Henry,	26	82 50	16	160 00	1,777,110	1,110 69	1,353 19	65 88	1,419 07	508 50	1,927 57	922 56	1,005 01		1,558	
Hart,	9	23 00			582,034	363 77	386 77	6 19	392 96	71 00	463 96	91 09		21 13	812	
Harlan,	4	7 00	1	10 00	191,238	119 52	136 52		136 52	17 00	153 52	649 67		496 15	407	
Henderson,	14	44 00	2	20 00	1,056,476	660 29	724 29	27 26	751 55	177 50	929 05	676 81	252 21		884	
Hopkins,	22	56 00	1	10 00	709,034	443 15	509 15	19 60	528 75	112 50	641 25	464 01	177 21		1,062	
Hickman,	8	23 50	5	50 00	529,345	330 84	404 34	31 52	435 86	93 50	529 36	880 03		350 67	866	
Harrison,	39	113 50	3	30 00	2,255,594	1,374 51	1,578 25	109 21	1,687 46	223 00	1,910 46	1,132 19	778 27		1,843	
Hardin,	20	41 50	3	30 00	1,509,832	943 61	1,018 14	15 98	1,034 12	197 50	1,231 62	712 36	519 26		2,008	
Hancock,	2	5 00	2	20 00	215,788	134 87	159	1 57	161 44	25 00	186 44	185 13	1 31		242	
Jefferson and Louisville city,	15	64 00	28	280 00	7,753,570	4,815 98	5,189 98	163 60	5,353 58		5,353 58	4,183 52	1,170 06		†3,173	
Jessamine,	34	129 50	4	40 00	2,102,812	1,311 26	1,483 76	26 75	1,510 51	149 50	1,660 01	531 72	1,128 29		1,164	
Knob,	10	18 75	1	10 00	370,215	231 39	260 14	1 80	262 94	51 00	313 94	657 58		341 64	647	
Lewis,	6	12 00	4	40 00	465,202	290 75	342 75	12 93	355 68	55 00	410 68	409 99		69	933	
Lincoln,	42	141 00	3	30 00	2,037,671	1,273 55	1,444 55	35 01	1,479 56	153 50	1,633 06	678 23	954 86		1,170	
Laurel,	4	9 00	3	30 00	116,123	91 34	130 34	5 43	135 77	29 00	161 77	415 17		280 40	3 2	
Lawrence,	4	10 00	1	10 00	215,222	134 51	154 51	3 08	157 59	36 50	194 09	416 23		222 14	669	
Livingston,	15	32 50	8	80 00	729,226	455 77	568 27	6 61	574 88	94 00	668 88	518 85	150 03		946	
Logan,	36	105 00	2	20 00	2,441,688	1,526 05	1,651 05	27 60	1,678 65	152 09	1,830 65	1,186 74	643 91		1,579	
Martinburg,	5	16 50	1	10 00	621,692	388 56	415 06	17 91	432 97	57 50	490 47	456 88	33 59		814	
Madison,	47	181 50	2	20 00	3,402,192	2,126 37	2,327 87	116 81	2,444 68	255 00	2,699 68	1,341 49	1,358 19		2,264	
Martinsburg,	33	107 50	2	20 00	1,818,812	1,136 77	1,264 27	76 31	1,340 58	522 50	1,863 08	1,194 08	669 00		1,318	
Mercer,	49	169 00	7	70 00	3,615,637	2,259 77	2,493 77	157 47	2,651 24	224 50	2,875 74	1,624 21	1,256 53		2,108	
Morgan,	3	5 25	1	10 00	153,332	97 71	112 96	5 66	118 62	46 00	164 62	369 91		205 29	453	
Mason,	31	130 00	13	130 00	3,477,746	2,173 59	2,433 59	45 29	2,478 88	271 50	2,750 38	1,854 72	895 66		2,359	
Monroe,	10	26 00	2	20 00	442,148	276 34	322 34	16 35	338 69	72 50	411 19	508 21		97 02	751	
Meade,	9	23 50	3	30 00	575,300	359 56	413 06	6 50	419 56	76 00	495 56	388 56	107 00			





# **RE** *ith the Receiver*

*By an act of the General Assembly signed were appointed to examine and to make out a full report of the date of the settlement; and the monies paid into the Treasury*

To balance due on the - - \$ 2,257 47½

Amount received from the 6th  
quarter sections sold, containing  
436 ditto, containing 69,760 a  
8 fractional ditto, containing  
37 ditto, containing 3,777½ ac

Total amount received  
To balance, for amount

Making, - 0,428 40

By commission this year, -  
By amount paid into the Treasury

428 40

By amount overpaid this - \$ 792 26½

To balance due on the 6 - \$ 1,465 21

Amount received from the 6th  
quarter sections sold, containing  
675 ditto, containing 108,000 a  
31 fractional ditto, containing  
1 ditto, containing 34 acres, a

Total amount received from  
To balance for amount of

Making, -- 561 10



NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Sisk, Stephens, Wingate, Wood—12.

Mr. Hardin, from the committee of finance, reported a bill for the relief of the sheriff of Garrard county, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rodman,

*Resolved*, That so much of the Governor's message as relates to the militia, be referred to a select committee.

Whereupon Messrs. Rodman, Stephens, Dougherty, Boyd and Beaseman, were appointed a committee pursuant to said resolution.

Mr. Guthrie, from the committee appointed for that purpose, reported a bill to incorporate the Louisville Hotel Company, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, an act to authorise the insertion of advertisements in certain newspapers.

The said bill was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being amended,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

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### THURSDAY, DECEMBER 6.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, an act to change the time of holding the Trigg circuit court.

The Speaker laid before the Senate, a letter from the Treasurer, covering his annual report, which letter and report are as follows, viz:

Frankfort, 6th December, 1832.

SIR—You will please lay before the honorable house over which you preside, the enclosed statement: which gives a concise view of the situation of the Treasury department, from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive.

I have the honor to be, very respectfully,

Your obedient servant,

JAMES DAVIDSON, *Treasurer.*

JAMES T. MOREHEAD, *Lt. Governor and Speaker of the Senate.*

### No. 1.

*A statement shewing the amount of moneys received by the Treasurer (under their appropriate heads,) from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive.*

#### BANK STOCK FUND—

From Headright lands,	283 60	
“ Land Warrants,	2,783 35	
		\$ 3,066 95
“ Non-residents' Lands,		1,818 49
“ Sheriffs, for Revenue,		70,598 82
“ Clerks, for Taxes,	11,516 45	
“ Register of the Land Office,	1,053 49	
“ Secretary of State,	10 45	
		12,580 39
“ Lands West of Tennessee River,		32,428 59
“ Lands West of Cumberland River,		568 30
“ Warrants to be laid on forfeited Lands,		75 00
“ Do to confirm Titles,		30 00
“ Miscellaneous Receipts,		45 83
“ Bank of the Commonwealth of Ky. (net profits,)		24,151 85
“ Distribution of Stock from the Bank of Kentucky, in Commonwealth's paper,		14,917 50
“ Distribution of Stock from the Bank of Kentucky, in specie,		13,859 34
Total amount received during the year ending the 10th day of October 1832,		\$174,141 06
Total amount received in specie,		13,859 34
“ in Commonwealth's paper,		160,281 72

### No. 2.

*A statement shewing the amount of warrants paid by the Treasurer (under their appropriate heads,) from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive.*

On Criminal Prosecutions,	16,103 66
For Lunatics,	13,094 19

(Amount forwarded,)

\$29,197 85

(Amount brought forward,) .		\$29,197 85
To Jailors,		6,514 85
For Clerks Services,		9,685 14
To Sheriffs, for Revenue,		335 73
Salaries of the Executive and Judicial Departments,		26,989 00
Executive Offices,		2,473 36
Contingent Expenses,		1,948 86
Commissioners of Tax,		7,087 56
Military Expenses,		301 05
Money Refunded,		21 13
Greenup County Bridge,		15 00
Distributing the Acts and Journals,		397 00
Turnpike Roads, in Commonwealth's paper,		8,515 63
Turnpike Roads, in specie,		31,650 00
Bridges, in specie,		1,006 00
Slaves Executed,		1,375 00
Appropriation Nov. Session, 1831,		23,368 97
Appropriation Nov. Session, specie, 1831,		60 00
Legislature Nov. Session, 1831,		14,433 72
Decisions of the Court of Appeals,		5,330 00
Sheriffs, comparing polls,		2,220 09
Attorneys for the Commonwealth,		4,750 23
Public communications—Commonwealth's paper,		77 41
Public communications—in specie,		423 65
Public Printer,		25 25
Institution for the Tuition of the Deaf and Dumb,		3,117 62
Public Roads,		49 50
Total amount of warrants paid from the 11th of October, 1831, to the 10th October, 1832,		181,369 60
Total amount of warrants paid, in specie,		33,139 65
Ditto	in Commonwealth's paper,	148,229 95
		181,369 60
Total amount of warrants paid in Commonwealth's paper, from the 11th of October, 1831, to the 10th of October, 1832,		148,229 95
Stock subscribed during the same time,		14,917 50
Making the sum of,		163,147 45
Balance due from government on the 10th of Oct. 1831,		93,494 17
Making,		256,641 62
From which deduct the receipts, as per statement No. 1.		160,281 72
Leaving a balance due from government on the 10th of October, 1832, in Commonwealth's paper,		96,359 90



Total amount of warrants paid in specie, from the 11th of October, 1831, to the 10th of October, 1832,	33,139 65
Stock subscribed during the same time, in specie,	13,859 34
Total specie paid,	46,998 99
Balance due from government on the 10th of Oct., 1831,	18,035 41
	65,034 40
From which deduct the above receipt for stock,	13,859 34
Balance due from government, (in specie,) on the 10th of October, 1832,	51,175 06
Amount due 10th October, 1832, in Com'wth's paper,	96,359 90
Ditto in specie,	51,175 06
Balance due from government 10th October, 1832,	\$147,534 96

JAMES DAVIDSON, *Tr.*

*Ordered*, That the said report be referred to the committee of finance.

Mr. Rodman presented the petition of sundry citizens of Oldham county, praying that a law may pass, removing the seat of justice of said county, or to submit the question of removal to a vote of the citizens of said county; and also, a petition counter thereto; which were received, and referred to the committee of propositions and grievances.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie,

1. A bill for the benefit of Noah C. Summers, clerk of the Bullitt county court.

On the motion of Mr. W. Owsley,

2. A bill to amend the law of proceeding against absent defendants.

On the motion of Mr. Rudd,

3. A bill to change the bounds of the first constable's district, in Washington county.

On the motion of Mr. Murrell,

4. A bill to repeal in part, an act declaring Beaver creek, in Barren county, a navigable stream.

On the motion of Mr. Conner,

5. A bill to legalize the proceedings of the Greenup county court, at their last November term.

On the motion of Mr. Beatty,

6. A bill to appropriate a part of the vacant land, lying between Walker's line and the latitude 36° 30' North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksonboro' and to Barboursville.

7. A bill to appropriate a sum of money, for the purpose of improving the navigation of Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks.

On the motion of Mr. Wickliffe,

8. A bill to amend the laws relating to the general court; and

9. A bill to amend the laws forbidding the sales of office.

Messrs. Guthrie, Hardin and W. Owsley, were appointed a committee to prepare and bring in the first; the committee of courts of justice, the second; Messrs. Rudd, Thompson and Brown, the third; Messrs. Murrell, Payne and Thornton, the fourth; Messrs. Conner, H. Owsley and Fleming, the fifth; Messrs. Beatty, Fleming and Wood, the sixth; Messrs. Beatty, H. Owsley and George, the seventh; and the committee of courts of justice directed to prepare and bring in the eighth and ninth.

On the motion of Mr. Wingate,

*Resolved, by the Senate,* That a message be sent to the House of Representatives, requesting the appointment of a committee of conference on their part, to meet a committee of three members on the part of the Senate, for the purpose of taking into consideration, the expediency and propriety of adopting some mode different from the one now practised, in taking the joint vote of the two branches of the Legislature: and that the committee thus raised, report their opinion thereon to both branches of the General Assembly.

Messrs. Wingate, Stephens and Taylor, were appointed a committee on the part of the Senate, pursuant to said resolution.

Mr. Dougherty moved for leave to bring in a bill, to take the sense of the people of this commonwealth, as to the propriety of calling a convention;

And the question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Churchill, Dougherty, James, Murray, Parks, Rodman, Sisk, Stephens, Wood—11.

NAYS—Messrs. Beatty, Boyd, Brown, Clark, Conner, Cunningham, Dejarnatt, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wingate—23.

The Speaker laid before the Senate the annual report of the keeper of the penitentiary, which is as follows, viz:

*To the honorable the Speaker of the Senate of Kentucky:*

I am happy to be permitted once more, to discharge the duty enjoined upon me by law, of reporting to you the condition of the Institution over which I have the honor to preside, as the Agent and Keeper.

Although disease and death have walked abroad, in the immediate vicinity of the prison, yet the convicts have been blessed with uncommon good health, there having been but one death among them during the last twelve months, and in that instance the deceased was about seventy-seven years of age.

So intense has been the vigilance of my assistant and guard, and so submissive have been the dispositions of the prisoners, that corporeal punishment has been but rarely inflicted; there has not been one single attempt to escape during the last year. It would be injustice and ingratitude in me, were I to omit ascribing my success this year, in an eminent degree, to my worthy and distinguished assistant, Harry I. Anderson. Indeed, it is due to all whom I have employed—my son, Mr. Lane, and the guard—to say, that they have performed their respective duties to my entire satisfaction.

Since my last report, twenty-nine convicts have been received; nineteen of whom were convicted of felony, (the particular offence not being specified in the record,) five for larceny, one for counterfeiting, one for perjury, and three for manslaughter. Of the whole number of convicts, thirty six have left the prison during the last year: of whom, twenty-seven served out their sentences, one died, and eight were pardoned—some of the last having only a small part of their sentences given them. It is due to the executive to say, that this has been done chiefly at the request of the keeper.

The number of convicts at this time is eighty-six; from which it will appear, that during the last several years, there has been a regular decrease in the number of convictions. The men are well clothed and fed, healthy, and actively employed in various business, which yields a reasonable profit. The prices of different manufactured articles, and the number of convicts, have been so much reduced, that I cannot report so large a profit as in former years. The Institution has sustained some losses in debts, which will reduce the profits of this year to about four thousand dollars.

I am sorry to inform you, that my constitution and health have so much declined, that during the last spring, summer and fall, I have been frequently confined to my bed, nearly one day in a week, on an average; and have seldom been able to perform an entire day's duty, such as I have formerly bestowed; consequently, the superintendence of the Institution has greatly fallen upon my worthy and able assistants; and I feel that, in my feeble situation, I cannot discharge the duties of the office with satisfaction to the public, and credit to myself. Therefore, I would humbly request the Legislature to permit me to relinquish my con-



tract, and retire from the Institution some time in the course of the next year, if my inability should continue or increase.

I would be happy to be visited by a committee of your body, during the early part of the session; and hope that, in your individual capacity also, you will visit the Institution as frequently as may be convenient; and that you will ask and require all and every information about the Institution which you may desire, or which it may be necessary for you to have. On such occasions, you would much oblige me by making yourselves known as members of the Legislature, as I have not the pleasure of being acquainted with a number of your body.

I would here only add, that whenever I may retire from the Institution, any information or assistance which I can give, either to the Legislature or my successor in office, will be promptly and happily afforded.

All of which is, very respectfully, submitted by

Your obedient servant,

JOEL SCOTT,

*Agent and Keeper of the Kentucky Penitentiary.*

On the motion of Mr. Beatty,

*Resolved*, That the Auditor, Treasurer and Register, be requested to make out and report to this house, the balances due from the counties of Wayne, Pulaski, Knox and Harlan, for head-right lands.

On the motion of Mr. Wickliffe,

*Resolved*, That the committee of finance enquire into the expediency, of repealing or amending the laws relating to land-office treasury warrants.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Dougherty—1. A bill to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county; and

By Mr. Guthrie—2. A bill for the benefit of Noah C. Summers, clerk of the Bullitt county court;

Which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with, and the same being engrossed:

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the time of holding the Trigg circuit court, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with:

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

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FRIDAY, DECEMBER 7.

The Senate assembled.

The Speaker laid before the Senate a letter from the president of the Maysville, Washington, Paris and Lexington Turnpike Road Company, enclosing the annual report of the president and directors of the said company.

Which letter and report are as follows, viz:

The Hon. JAMES T. MOREHEAD, *Lt. Governor of Kentucky*:

SIR—I have the honor of transmitting the report of the president and directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, which you will please lay before the house over which you preside. Respectfully, your obedient servant,

JOHN ARMSTRONG, *President*.

*To the General Assembly of the State of Kentucky:*

The President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, beg leave to report:

That, previous to their report made to your honorable body, at the last session, they had caused to be put under contract thirty-nine miles and one hundred and twenty-eight and a half poles of the road, between the south boundary of Washington and Lexington; of which distance, thirty-six miles two hundred and sixty-eight and a tenth poles will be completed during the month of December; that by the 1st of January next, they expect to have seven toll-gates erected. They refer to the report of John S. Williams, the superintendent of said road, dated 29th November, 1832, herewith forwarded, to shew the progress of the work, and the reason the road was not completed by the time mentioned in their former report.

They also refer to the report of William Huston, jun. their Treasurer, shewing the situation of the funds of the company.

That since the last report, the county court of Bourbon county has subscribed one hundred shares, which will be expended in the construction of the bridge over Stoner, at Paris, and the completion of the section of road attached thereto, and the corporation of Paris have subscribed eighty shares, to be expended in the construction of the road through the town of Paris. They have not been able to procure an additional sub-

scription of stock by individuals, although they have used every means in their power to induce persons to subscribe. And they lament that they are under the necessity of stating to your honorable body, that eighteen miles two hundred and thirty-seven and two-tenths poles of the road has not been put under contract; the cost of which, exclusive of the bridge across Licking at the Blue Licks, will amount to \$95,484 28, according to the estimate of the superintendent. They have despaired of obtaining the necessary funds to complete the road, by individual subscriptions of stock, and they appeal to your honorable body for a subscription, on the part of the state, to complete the same. They need not urge to you the importance of the completion of the road, as being the nearest and easiest channel of communication, between the Ohio river and the interior of the state; that the sum necessary for its completion, they believe, will be a good investment of the funds of the state, judging from the dividends declared upon that part of the road which has been completed, from Mayvsville to the south boundary of Washington; on the 1st of April last, a dividend of \$5 50 was declared on each share of stock, after paying all expenses, and leaving a balance in the Treasury of \$23 53 cents, and on the 1st of October last, a dividend of \$7 50 was declared on each share, after paying all expenses, and leaving a balance in the Treasury of \$32 41 cents, making a dividend for the year of thirteen per cent. on the cost of that part of the road; the cost of which, by a reference to the former reports, will be seen, greatly exceeded the cost, per mile, of the construction of the balance of the road; and they have not increased the tolls since the last report.

They respectfully suggest, that if your honorable body should authorise the subscription of stock, for the completion of the road, and will authorise the President and Directors to borrow the amount necessary, they can procure the same at a rate of interest not exceeding six per cent. per annum, payable semi-annually; the principal to be paid at such time as shall be provided for by law. They feel confident that the road can be completed in eighteen months or two years, and that the tolls on the stock of the state will greatly exceed the amount paid for interest on the sum borrowed.

They pray that a law may pass, authorising the President and Directors to purchase an acre of land at the site of each of the toll-gates, or to have an acre condemned upon payment of its value, in case they cannot purchase; and also, at such ravines on the line of road, where the culverts shall exceed the sixty feet allowed for the width of the road, and there shall exist a necessity to extend said culverts to a greater length, to authorise a jury to assess such damages as shall be sustained in con-



sequence of such extension; and also, where culverts are already made, that a jury shall have the power to assess the damages, if any.

All of which is respectfully submitted,

JOHN ARMSTRONG, *President.*

*To the President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company:*

GENTLEMEN—Agreeably to a requisition of your Board, I have the pleasure of reporting, that the 2d division of your road, containing 10 miles 148 poles, and the first six sections of the 3d division, containing 5 miles 29.5 poles, making a continuous line of 15 miles 44.3 poles, from the south end of Washington, including two bridges, one across the North Fork, and the other across Johnson's Fork of Licking, are all nearly completed. The 5th division contains 11 miles 226.5 poles, upon which is erected one bridge across Hinkston, at Millersburgh, in Bourbon county, is also nearly done, with the exception of 54.6 poles crossing Stoner, in Paris, which is in progress, together with two bridges: one across Stoner, and the other crossing Warren's mill-race, at the same place.

The 7th division, and part of the 6th division, containing 9 miles 317.3 poles, is also open to travel. This portion of the road ends at the boundary of the city of Lexington.

The last layer is in rapid progress in all these divisions of your road, and the presumption is fair, that the whole will be completed in all next month: from and after which time I presume it will be legal and right for you to collect tolls. You will perceive, that on the 2d division you have space for two gates; upon the 3d division, one gate; upon the 5th division, two; and upon the 6th and 7th divisions, two gates, with the exception 2.7 poles, which may be added during the time mentioned; in all, seven gates. The event of the completion of this part of the road, has been retarded beyond the time anticipated when the lettings were made, mainly by the scarcity of laborers during all the fore part of the season. To give you an adequate idea of the disadvantage under which we have labored in this respect, it is only necessary to mention, that the price of manual labor rose from eight and nine dollars a month to twelve and thirteen dollars, or about fifty per cent. This circumstance has not only operated to retard the progress of the work, but very injuriously upon the contractors.

The bridge across Stoner, and road thereto attached, together with 3 miles 112 poles on the 4th division, is under contract, to be completed next year. As that part of the 4th division which is under contract, and in an advanced state of progress, lies adjoining the 5th division, there will then be 15 miles 18.5 poles completed in one continuous line, from

Paris, eastwardly in Bourbon and Nicholas counties. This will entitle the company to the erection of one additional gate next year, making in all nine gates, including the one now erected between Maysville and Washington on the 1st division.

In conclusion, I beg leave again to call your attention to the subject of letting the remainder of the road—the unlet parts of which lie in two districts of country, and very disadvantageously for the travel of the parts now finishing. In Fleming and Nicholas counties, 12 miles 195.8 poles unlet, and in Bourbon, between Paris and Lexington, 6 miles 41.4 poles, making in all 18 miles 237.2 poles, an estimate of the cost of which was handed over to your Treasurer, and will probably be handed up in his report. It cannot but be plain to you and to every one, that the finished parts of your road will be of little advantage in aiding transportation, while such rough and unimproved parts are suffered to exist: and, of course, but little revenue ought to be expected from the investments already made, until the line shall present its full advantages to the traveller and carrier.

I am yours, respectfully,

JOHN S. WILLIAMS, *Superintendent.*

*Maysville, 29th Nov. 1832.*

*Statement, shewing the amount of Stock subscribed to the Maysville, Washington, Paris and Lexington Turnpike Road, the amount paid in, and the balance due.*

	Am't of Stock subscribed.	Amount of Stock paid in.	Balance due.
Stock subscribed for construction of Road from Maysville to the south end of Washington,.....	\$ 32 000	31,900	100
State subscription, . . . . .	75 000	57,900	17,100
Mayslick do. by individuals, . . .	15 400	10,536 51	
Nicholas county do. do. . . . .	2,100		
Millersburg do. do. . . . .	9,300		
Philadelphia subscription, obtain- ed by James Batterton, . . . .	1,100		
	12,500	7,433	5,067
Paris subscription by individuals,	36,000		
Corporation of Paris, . . . . .	8,000		
County court of Bourbon, . . . .	10,000		
Lexington subscription, by indi- viduals, . . . . .	54,000	30,765 50	23,234 50
Fayette county court, . . . . .	29,000		
	15,000		
Philadelphia subscription, by in- dividuals, . . . . .	44,000	36,612 70	7,387 30
	5,600	3,740	1,860
Trustees of Maysville, . . . . .	28,000	8,000	20,000
Total stock, . . . . .	\$ 266,500	\$ 186,887 71	\$ 79,612 29

*Estimate of the cost of that part of the Maysville, Washington, Paris and Lexington Turnpike Road, that is already finished and now under contract.*

Cost of Road from Maysville to the south end of Washing-							
ton, exclusive of contingencies, -							\$28,270 69
Estimate of cost of 2d division, 10 miles 14.8 poles, -							63,067 88
Do.	do.	3d	do.	5	"	29.5	" - 26,322 97
Do.	do.	4th	do.	3	"	112.7	" - 17,396 10
Do.	do.	5th	do.	11	"	226.5	" - 68,367 99
Do.	do.	6th	do.	4	"	263.3	" - 25,298 85
Do.	do.	7th	do.	5	"	54	" - 22,777 59

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\$ 251,502 09

Contingencies paid on the whole line from Maysville to Lexington, - - - - - 13,167 65

Estimate of probable amount of contingencies for finishing the present contracts, including damages assessed, expenses of erection of toll-gate houses, superintendents' salary, &c. &c. - - - - - 7,000 00

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Total estimated cost of road at present under contract, \$272,119 74

To meet the payment of which, the amount of stock subscribed, as per annexed statement, is, - - - - - 266,500

Also, the amount of stock taken by Lewis Vi-  
mont, to be paid by his estimates of work  
done on his contract in 5th division, - 4,152 67

---

270,652 67

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Deficiency of stock subscribed is - - - - - \$ 1,467 07  
*Maysville, 26th Nov. 1832.*

*Statement exhibiting the amount that will be due Contractors, when present lettings are finished:*

Amount of estimated cost of that part of the road that is  
finished and under contract, exclusive of contingencies, 251,502 09  
Paid contractors, 170,554 03

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Balance, to pay *contractors* when present lettings are finished, \$ 80,948 06

Add amount estimated to meet the contingencies for finishing the present lettings, including damages assessed for materials and right of way, expenses of erecting toll-houses and gates, superintendents' salary, &c. &c. 7,000 00

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Total balance due for present lettings, when finished, \$ 87,948 06

(Amount forwarded.)



(Amount brought forward,) \$87,948 06

*To meet the payment of which the following statement is annexed:*

Amount of stock paid in on the whole line, \$186,887 71

Of which has been paid:

To contractors, \$170,554 03

For contingencies, 13,617 65

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\$184,171 68

Cash in Treasury, \$ 2,716 03

Add balance of stock due, as exhibited in first statement, 79,612 29

And amount of stock taken by L. Vimont, to be paid by work on 5th division, 4,152 67

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\$ 86,480 99Leaving a deficiency to meet the present contracts, of \$ 1,467 07  
*Maysville, 26th November, 1832.**To the President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company:*

GENTLEMEN—Your Treasurer would respectfully report the annexed statements, exhibiting the amount of stock subscribed, the amount of stock paid in, and the balance due of said stock at the present date—reference to the first page of this report.

The second page exhibits the estimated cost of that part of the road already finished, and of that part now under contract.

The third page exhibits the amount that will be due contractors, when the present lettings are completed, and shews a deficiency in the amount of stock subscribed, to meet the estimated cost of the road now under contract.

All of which is respectfully submitted,

WILLIAM HUSTON, JR. *Treasurer.*

*Maysville, 26th November, 1832.*

Subjoined is also a statement, shewing the amount of funds necessary to construct and finish that part of the road not under contract.

Respectfully,

WILLIAM HUSTON, JR. *Treasurer.*

*Estimate of the probable cost of that part of the road not under contract, between Maysville and Lexington, exclusive of the bridge at Licking:*

Of the 3d Division, 7 miles, 3 poles, . . . . \$30,658 86

" 4th " 5 " 192.8 " . . . . 25,821 44

" 6th " 6 " 41.4 " . . . . 31,003 98

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\$87,484 28

Estimate of contingencies, 8,000 00

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\$95,484 28

Mr. Wood presented the petition of sundry citizens of the counties of Cumberland and Wayne, praying that a law may pass, for the formation of a new county out of a part of each of the said counties; which was received and referred to the committee of propositions and grievances.

The following bills were reported by Mr. Wickliffe, from the committee of courts of justice, as unfinished business of the last session, viz:

1. A bill to amend the execution laws, and for other purposes.
2. A bill to regulate the establishing of ferries in this commonwealth; and
3. A bill to improve the public ground around the capitol, and to secure the public property from injury.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first and third bills having been dispensed with, they were referred to the committee of the whole house on the state of the commonwealth, for Wednesday next.

*Ordered*, That the public printer print one hundred and fifty copies of the first and third bills, for the use of the General Assembly.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Brown—1. A bill to authorise the county court of Jessamine to erect gates across certain roads.

By Mr. Rudd—2. A bill to change the first constable's district in Washington county; and

By Mr. Murrell—3. A bill to repeal, in part, an act declaring Beaver creek, in Barren county, a navigable stream.

Which bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the first was committed to a committee of Messrs. Parks, Brown, Fleming, Beatty, Stephens, Wingate and H. Owsley: and the second and third were ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the second and third bills having been dispensed with, and the same being engrossed:

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate a communication from the Governor, transmitting to the Senate the petition of Samuel Allison, Consul of the United States of America for the city of Lyons, in France, and a letter of General La Fayette. The said petition prays that further time be given, to pay the taxes on several tracts

of land lying in this state, conveyed to the petitioner by Colonel James Swan; which land has been forfeited to the state for the nonpayment of taxes; and that all interest and damages may be remitted.

The said petition was referred to the committee of finance.

On the motion of Mr. Thornton,

*Resolved*, That the committee of courts of justice enquire into the expediency of changing the law, in relation to the liability of executors and administrators, plaintiffs, as to costs; also, as to service of process in actions at law against heirs; and also, as to amending the law against champerty and maintenance.

A message was received from the House of Representatives, announcing the passage of bills which originated in that house, entitled,

1. An act authorising the county courts of Jessamine, and other counties, to appoint in their respective counties additional constables; and

2. An act to authorise the publication of advertisements in the Augusta Telegraph and Bracken County Advertiser.

The said bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first bill having been dispensed with, it was referred to a committee of Messrs. Beatty, Brown and James.

The rule of the Senate, constitutional provision, and second and third readings of the second bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe,

1. A bill to provide for the removal of certain officers in this commonwealth, and for other purposes.

On the motion of Mr. George,

2. A bill for the benefit of William Davis.

On the motion of Mr. Wickliffe,

3. A bill to amend the act, providing for keeping in repair the public roads in the county of Fayette.

On the motion of Mr. Conner,

4. A bill to change the time of holding the Lewis circuit court.

On the motion of Mr. Hardin,

5. A bill to change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.

On the motion of Mr. Fleming,

6. A bill to amend and explain an act, entitled, an act requiring tavern keepers, pedlars of clocks, and the owners and keepers of covering horses and jacks, to pay taxes in advance, and obtain license.



The committee of courts of justice was directed to prepare and bring in the first; Messrs. George, Beatty and Stephens, were appointed a committee to prepare and bring in the second; Messrs. Wickliffe, Thornton and Clark, the third; Messrs. Conner, Fleming and Bibb, the fourth; Messrs. Hardin, Griffith and Conner, the fifth; and Messrs. Fleming, Beatty and Murray, the sixth.

Mr. Hardin, from the committee appointed for that purpose, reported a bill to change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor, by Mr. Sanders, secretary of state.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:

*Gentlemen of the Senate—*

I nominate for your advice and consent, JOHN C. BUCKLIN, to be commissioned Mayor of the city of Louisville.

I nominate for your advice and consent, THOMAS SUTTON, as Brigadier General of the 11th Brigade, K. M., vice Johnson J. Cockrell, resigned. GEORGE W. MANSFIELD, as Colonel of the 64th Regiment, K. M., in the place of Thomas Sutton, promoted.

JOHN BREATHITT.

*December 7th, 1832.*

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Mr. Guthrie inform the Governor thereof. And then the Senate adjourned.

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### SATURDAY, DECEMBER 8.

The Senate assembled.

Mr. Griffith presented the petition of Charles Wallace and Nicholas Hocker, praying that a law may pass, remitting to them the damages recovered against them by the commonwealth, as securities for Benjamin Gilbert, sheriff of Ohio county; which was received, and referred to a committee of Messrs. Griffith, Clark and Churchill.

A message was received from the House of Representatives, announcing, that they had concurred in the amendments proposed by the Senate, to a bill from that house, entitled, an act to authorise

the insertion of advertisements in certain newspapers; and that they had passed bills which originated in the Senate, of the following titles, viz:

An act for the relief of the sheriff of Garrard county; and

An act for the benefit of Noah C. Summers, clerk of Bullitt county court.

And that they had appointed a committee of six members on their part, to meet a committee appointed on the part of the Senate, for the purpose of taking into consideration the expediency and propriety of adopting some mode, different from the one now practised, in taking the joint vote of the two branches of the Legislature.

And that they had passed bills, which originated in that house, of the following titles, viz:

1. An act to change the names of Claiborne Brewer and Mary Felicia McMann.

2. An act to amend an act, requiring tavern keepers, pedlars, and owners of covering horses and jacks, to pay taxes in advance, and obtain license, approved December 22d, 1831; and

3. An act to repeal, in part, an act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, passed January, 1831.

The said three latter bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the second and third bills having been dispensed with, and second being amended,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate the following report of the Auditor, Register and Treasurer.

AUDITOR'S OFFICE, *Frankfort, Dec. 7, 1832.*

SIR:—I herewith submit a statement of the amount due from the counties of Wayne, Pulaski and Knox, for headright lands, in conformity to a resolution of the Senate, dated the 6th inst.

On the 10th day of October 1826, the balance

due on headright lands from Pulaski county, is \$11,741 62

Wayne county, is - - - 6,670 04

Knox county, is - - - 6,081 91

(No certificates for land granted by Harlan county court.)

Total amount due (see Auditor's Report, Senate Journal, 1826, page 87,) - - - \$24,493 57

The above calculation was made at \$10 per 100 acres.

The state price is now reduced to \$5 per 100 acres; consequently, that sum must be reduced one half, viz: - 12,246 78

The amount paid since the above calculation was made, will not exceed - - - 1,000

Which will leave the sum now due - - - 11,246 78

This calculation is not reported as the exact amount due; the time requisite to complete an exact calculation would protract a report to a period beyond the present session: therefore, this report is now made; and should it be considered necessary by the Senate, a full report on this subject shall be prepared and furnished the next session of the Legislature.

Respectfully yours,

PORTER CLAY, *Aud. Public Accounts.*

The Register and Treasurer would respectfully state to the Senate that there are no records or papers in either of their offices, that would enable them to make a report in obedience to a resolution of the Senate, dated the 6th instant, in relation to the amount due from Wayne, Pulaski, and Knox counties, for headright lands.

JNO. M. FOSTER, *Reg'r.*

JAMES DAVIDSON, *Tr.*

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley, from the committee of courts of justice—

1. A bill continuing in force, the law providing for the appointment of commonwealth's attorneys; and

2. A bill regulating the law against absent defendants.

By Mr. George—3. A bill for the benefit of William Davis, of Whitley county.

By Mr. Thornton, from the committee of courts of justice—4. A bill concerning executors and administrators.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first bill having been dispensed with, it was amended, and ordered to be engrossed and read a third time on Monday next.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate,

A bill for the relief of jailers; and

On the motion of Mr. Dougherty,

A bill to regulate the ferry at the mouth of the Kentucky river, in the county of Gallatin.

Messrs. Wingate, Fleming and Dejarnatt, were appointed a committee to prepare and bring in the former; and Messrs. Dougherty, Stephens and Wingate, the latter bill.

Mr. Beatty, from the committee to whom was referred a bill from the House of Representatives, entitled, an act authorising the county courts of Jessamine, and other counties, to appoint in their respective counties additional constables, reported the same with amendments, which were twice read and concurred in.

*Ordered,* That the said bill be read a third time, as amended.



The rule of the Senate, constitutional provision, and third reading of said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be amended, by adding thereto "and justices of the peace."

A bill to regulate the establishing of ferries in this commonwealth, was read the second time, and referred to a committee of Messrs. Churchill, Thompson, James and Brown.

Mr. Wingate, from the committee appointed for that purpose, reported a bill for the relief of jailors, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

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MONDAY, DECEMBER 10.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, viz:

1. An act to amend the laws concerning the Lunatic Asylum.
2. An act to change the mode of publishing the decisions of the Appellate Court of this commonwealth.
3. An act to authorise the sale of a part of the real estate of Everard Clark, deceased, to pay his debts.
4. An act for the benefit of Mary Goodwin.
5. An act for the benefit of John Cook.
6. An act for the benefit of Cynthia Ann Lutes.
7. An act for the divorce of Dicey Fletcher; and
8. An act for the benefit of William Simpson.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed. The first, second and fourth, to the committee of courts of justice; the third, to a committee of Messrs. Hardin, Murrell, Gholson and Rodman; and the fifth, sixth, seventh and eighth, to the committee of religion.

Mr. Dougherty, from the committee appointed for that purpose, reported a bill to regulate the ferry at the mouth of Big Kentucky river, in Gallatin county, which was read the first time, and ordered to be read the second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rodman, the select committee appointed to prepare and bring in a bill for the benefit of the heirs of Samuel Stubbins, deceased, was discharged from that duty, and the committee of courts of justice was directed to prepare and bring in said bill.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to authorise the insertion of advertisements in certain newspapers.

An act to change the time of holding the Trigg circuit court.

An act to authorise the publication of advertisements in "The Augusta Telegraph and Bracken County Advertiser."

An act for the relief of the sheriff of Garrard county; and

An act for the benefit of Noah C. Summers, clerk of Bullitt county court.

And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the said committee, to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

On the motion of Mr. Guthrie,

*Resolved*, That the committee of courts of justice enquire into the expediency of providing for the revivor of writs of forcible entry and detainer, and real actions.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Bibb,

1. A bill to divorce Mary Ann Patterson from her husband Hugh I. Patterson.

On the motion of Mr. Guthrie,

2. A bill for the benefit of Jeffersontown; and

3. A bill to continue in force, and amend, an act to incorporate the city of Louisville.

The committee of religion was directed to prepare and bring in the first; Messrs. Guthrie, Churchill and Wingate, the second; and Messrs. Guthrie, W. Owsley and Gholson, the third.

Mr. Parks, from the committee to whom was referred a bill to authorise the county court of Jessamine to erect gates across certain roads, reported the same with amendments, which were twice read and concurred in: and said bill was recommitted to the same committee.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

1. A bill to change the time of holding the Lewis circuit court.
2. A bill to appropriate a part of the vacant land lying between Walker's line and latitude 30° 30' North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksboro' and to Barboursville.
3. A bill for the benefit of Jeffersontown; and
4. A bill to legalize the proceedings of the Greenup county court at their last November term.

Which were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first and second bills having been dispensed with, they were committed; the first to a committee of Messrs. Conner, Fleming and Bibb; and the second to the committee of internal improvements.

The rule of the Senate, constitutional provision, and second and third readings of the third and fourth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate the following report of the President of the Bank of Kentucky, viz:

BANK OF KENTUCKY,  
December 10th, 1832. }

TO THE HON. JAMES T. MOREHEAD,  
*Speaker of the Senate.*

SIR:—In conformity with a resolution of the Senate, requesting the President and Directors of the Bank of Kentucky to make out and transmit to the Legislature a statement of the "surplus profits" of the institution, agreeably to the "principles" contained in a report of the committee of Finance, on which the resolution was founded; I have the honor of submitting the following table and estimates, with such explanatory remarks as are deemed necessary to a correct understanding of the subject. By an act of the Legislature, passed 22d December, 1822, the charter of the Bank of Kentucky was repealed, and it was made imperative on the President and Directors to receive stock in payment of debts due the institution, at such discount as to them should seem reasonable and just, making due allowance for bad debts and losses which the Bank might sustain; and in January, 1823, the rate was fixed at eight dollars per share; giving to the stockholder, thus surrendering his stock, a certificate for a residuary interest of one fifth, (or twenty



dollars,) on each share, which should entitle the owner to his fair proportion of whatever was realized over the sum of eighty dollars.

In adjusting and defining the principles and settling the precise data on which the calculations and estimates were to be made, so as to bring them within the range of *practicability* on the one hand, and of some *certainty in result* on the other, at the same time to make them intelligible, when tested by those principles and data, and afford the information called for by the resolution, we were met at the threshold with difficulties which appeared almost interminable; but those difficulties having yielded to more mature and deliberate reflection, and the great principles which were to govern in the calculations to be made being settled, the application and reduction of them to form and system was confided to the Cashier of the Bank, to whose skill and indefatigable industry, I am indebted for the condensed form and completion of the work now submitted. With all the labor, care and attention, however, which has been bestowed to the preparation of the statement, it is not intended it should be received or considered as critically correct; yet it is sufficiently so to test the application of the principles adopted in the resolution referred to, and for all practical purposes of legislation on the subject.

Since the adjournment of the last Legislature, a distribution of five per cent, or five dollars on each share of the capital stock of the Bank, has been paid to the stockholders, making eighty per cent, or eighty dollars on the share paid them, which places all stockholders in the institution on an equality, as regards the *amount* refunded on account of their stock. The question then arises, what "principle" is to govern the President and Directors of the Bank in the distribution of the balance of the funds of the institution among the different grades of its stockholders, and by what power is that principle to be settled? While the President and Directors do not hesitate to say, that a discrimination *favorable* to the retaining stockholders, is just and proper, yet there are doubts existing as to *their* competency to decide it, and also, whether the *Legislature itself*, independently of any concurrent action of the individual stockholders, or any portion of them, is competent to fix on a principle for the distribution of the remaining funds of the Bank, in the application of which, the state and individual stockholders, who have *not made* a partial surrender of their stock, shall be entitled to an increased amount in the institution; while those stockholders who *have made* a partial surrender, either in the payment of debts, or for the purchase of real estate, and who are termed residuary stockholders, are to suffer a corresponding diminution in the amount which they are to receive.

The principle adopted in making out the annexed table and estimates.

which, without explanation, would have the appearance of an arbitrary combination of figures, and which produces a result so favorable to the state, and those individual stockholders who have not made a partial surrender of their stock to the institution, either in the payment of debts, or for the purchase of real estate, is, *to take the amount of interest, discounts, &c. constituting profits, and to deduct therefrom the expenses of the institution, from the date of the last dividend of profits, to the period of the first distribution of the capital stock, and assign those profits to the retaining and residuary stockholders pro rata, or in equal proportions, agreeably to the amount of stock held by them respectively; and in like manner, at the period of each distribution of the capital stock, make the same assignment of the profits which have accrued within those periods to the stockholders, in proportion to the amount held by them respectively.*

In calculating that portion of the "surplus profits" which are assigned to the residuary stock, the data was taken from the different periods at which *distributions were made, and not from the precise day* on which the stock was surrendered. Had that been done, it would have required a separate calculation for each transfer of stock which was made to the institution, and would have been attended with still greater labour and difficulty.

By reference to the accompanying table and estimates, it will be seen that they are made up to May, 1830, and there suspended; the reason for this is, that the excess of "profits" over and above the "charges" of the institution since that period, is so inconsiderable, that *was it assigned* to the different grades of stock, the final result would not be materially changed.

I have the honor to be, very respectfully,

P. DUDLEY, *President.*

*Table of surplus profits of the Bank of Kentucky, received from January 1st, 1823, to May 1st, 1830, and estimate of proportions thereof assigned to residuary and retaining stockholders.*

July 1st, 1824, Amount of surplus profits, . . .	\$83,051 52	
Residuary stock's proportion, . . . . .	25,116 11	
		<hr/>
Retained stock's do. . . . .	57,935 41	
From which is to be taken 2 per cent. profits, paid 1st January 1824, . . . . .	31,988 00	
		<hr/>
		\$25,947 41
January 1st, 1825, Amount of surplus profits, .	27,765 57	
Residuary stock's proportion, . . . . .	9,507 00	
		<hr/>
		18,258 57

(Amount forwarded.)

(Amount brought forward,)		\$44,205 98
July 1st, 1825, Amount of surplus profits . . .	18,663 02	
Residuary stock's proportion, . . . . .	7,275 19	
		11,387 83
July 1st, 1826, Amount of surplus profits, . . .	31,646 39	
Residuary stock's proportion, . . . . .	14,414 18	
		17,232 21
July 1st, 1827, Amount of surplus profits, . . .	17,755 25	
Residuary stock's proportion, . . . . .	9,557 63	
		8,197 62
July 1st, 1828, Amount of surplus profits, . . .	16,266 95	
Residuary stock's proportion, . . . . .	10,189 20	
		6,777 45
July 1st, 1829, Amount of surplus profits, . . .	14,910 33	
Residuary stock's proportion, . . . . .	9,866 24	
		5,044 09
May 1st, 1830, Amount of surplus profits, . . .	6,412 96	
Residuary stock's proportion, . . . . .	4,593 52	
		1,819 44
		94,664 62
583 shares surrendered between 1st July, 1824		
and 1st January, 1825, entitled to . . . . .	945 18	
455 do. do. 1st Jan'y 1825 and 1st July 1825, do.	1,265 41	
815 do. do. 1st July 1825 and 1st July 1826, do.	2,873 48	
628 do. do. 1st July 1826 and 1st July 1827, do.	2,989 26	
941 do. do. 1st July 1827 and 1st July 1828, do.	5,117 97	
682 do. do. 1st July 1828 and 1st July 1829, do.	4,038 12	
394 do. do. 1st July 1829 and 1st May 1830, do.	2,494 37	
		19,723 79
Amount to be paid to retaining stockholders to place them		
on an equality with the residuary stockholders, . . . . .	\$74,940 83	
5,967 shares owned by the state, entitled to	38,808 62	
5,529 do. do. individuals, do. . . . .	36,132 21	
		74,940 83

WILL. S. WALLER, *Cashier.*

*Ordered,* That the said report be referred to the committee of finance; and that the public printer print one hundred and fifty copies thereof, for the use of the General Assembly.

Mr. Conner, from the committee to whom was referred a bill to change the time of holding the Lewis circuit court, reported the same with an amendment, which was twice read and concurred in.

*Ordered,* That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:



*Resolved*, That the said bill do pass, and that the title thereof be, An act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

An engrossed bill, entitled, an act continuing in force the law providing for the appointment of commonwealth's attorneys, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills of the following titles, viz:

1. A bill regulating the law against absent defendants.
2. A bill for the benefit of William Davis, of Whitley county;
- And 3. A bill concerning executors and administrators;

Were severally read the second time, and ordered to be engrossed and read a third time, the first on to-morrow.

The rule of the Senate, constitutional provision, and third reading of the second and third bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the names of Claiborne Brewer and Mary Felicia McMann, was read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill was dispensed with, and it was laid on the table.

On the motion of Mr. Griffith,

*Resolved*, That the committee on internal improvements, be instructed to enquire into the expediency of making an appropriation for improving the state road leading from Owenborough, on the Ohio river, towards Bowlinggreen and Russellville, where it crosses the flats of Panther creek in the county of Daviess.

On the motion of Mr. Fleming,

*Resolved*, That the committee of courts of justice enquire into the expediency and propriety of amending the statute of limitations in civil cases.

On the motion of Mr. Beatty,

*Resolved*, That the committee on internal improvements be directed to enquire into the expediency and propriety of making an appropriation for opening and improving the navigation of Cumberland river, at Smith's shoals, in Pulaski county.

On the motion of Mr. Wood,

Leave was given to bring in a bill to appropriate certain vacant lands to improve that part of the road leading from Columbia, in Adair county, by Creelsburg, to the Tennessee state line, on Crider's hill; and Messrs. Wood, Gholson and Payne, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

## TUESDAY, DECEMBER 11.

The Senate assembled.

Mr. James Campbell, a member of the Senate from the counties of Caldwell, Livingston and Trigg, appeared and took his seat.

Messages were received from the House of Representatives, announcing that they had received official information, that the Governor did, on the 10th inst., approve and sign enrolled bills, which originated in that house, of the following titles, viz:

An act to authorise the insertion of advertisements in certain newspapers.

An act to change the time of holding the Trigg circuit court; and

An act to authorise the publication of advertisements in The Augusta Telegraph and Bracken County Advertiser.

And that they had passed bills, which originated in that house, of the following titles, viz:

An act to authorise the erection of gates across that part of the old Iron-works road, between the houses of Andrew Gudgel and John Harper, in Bath county.

An act for the benefit of Polly Campbell; and

An act for the benefit of Jane Deason.

The said bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first to the committee of internal improvements; and the second and third to the committee of finance.

The Speaker laid before the Senate the following communication of the Assistant of the Receiver of Public Money, for lands West of the Tennessee river, viz:

*Frankfort, Ky. December 8th, 1832.*

Being an assistant for Edmund Curd, Receiver of Public Moneys West of the Tennessee river, and being now on the business of the office, viz: to settle with the Auditor and Treasurer the amount of sales made since the settlement in May last, I have discovered an error made in the report to the Legislature.

The amount of commission or per centage, retained by the receiver, is . . . . . \$ 600 00

In the settlement with the Auditor, Treasurer and Register, in May last, the Receiver did, at that time, retain for commission for the year ending the 6th day of June, 1832, the sum of \$261 67; consequently he is now entitled to the sum of \$ 38 33 the balance of the year's commission.

The Receiver is also entitled to one-half year's commission, for the year ending 6th January, 1833, being . . . . . 150 00

Making . . . . . 188 33

Amount of overcharge in commission. . . . . \$ 411 67

(Amount brought forward,)	\$	411 67
To which add the amount as reported to have been received, (in Commonwealth's paper,) . . .		15,585 43½
Also in specie, or United States paper, . . .	1,700 00	
Five per centum allowed by law, . . .	85 00	
Amount		<hr/> 1,785 00

Making the true amount received, and actually paid into the Treasury on this day, \$17,182 10½

It is hoped the Legislature will receive the above, as a correction for the sum of \$411 67, which was improperly retained. The error I have no doubt was committed, owing to the Receiver being unable to obtain a copy of the settlement in May last, with the Auditor, Treasurer and Register. All of which is respectfully submitted,

EDWARD CURD, *Assistant for*

EDMUND CURD, *R. P. M. W. T. R.*

*Ordered,* That the said communication be referred to the committee of finance.

Mr. Taylor presented the petition of Robert Poage, representing that the state of Virginia delivered to General George Rogers Clarke, a number of land warrants, for the purpose of raising funds, to enable him to carry on an expedition against the hostile Indians; and that said Clarke caused to be located West of the Tennessee river, some of those warrants to the amount of 101,920 acres, in the name and for the benefit of the state of Virginia; that Joseph Lindsay, (who intermarried with the petitioner's mother,) being the commissary to the army commanded by said Clarke, upon the faith and with the understanding, that he was to be paid out of said 101,920 acres of land, agreed with General Clarke, and accordingly did furnish supplies to the troops, and was in a short time thereafter killed at the battle of the Blue Licks, without ever having received any compensation for his services, or return of advances of money made by him, to obtain those supplies. That the said Lindsay devised to his wife, Ann Lindsay, the claim aforesaid, among other things, who transferred one-half to Oswald Thomas, and the other half to the petitioner, to whom the claim of said Thomas has been regularly transferred. That the papers of said Lindsay, after his death, were delivered to General Clarke, with a view to a settlement of said Lindsay's accounts, and have ever since been missing; and praying that a law may pass, granting to him the said 101,920 acres of land, or such portion thereof as he may be found entitled to.

And Mr. James presented the petition of sundry citizens residing West of the Tennessee river, praying that a law may pass, to establish some uniform system of correcting the errors in the surveys of land West of the Tennessee river.

The said petitions were received, and referred to the committee of courts of justice.



On the motion of Mr. James,

*Resolved*, That the committee on finance be instructed to enquire into the propriety and expediency of passing a law for the disposition of Islands Nos. 1, 2, 3 and 4, lying in the Mississippi river; and that said committee enquire whether Island No. 5, lying in the Mississippi river, is included in this state or not, and their opinion as to the propriety and expediency of passing a law for the disposition of said Island, or the final adjustment of the state boundary in relation thereto.

Leave was given to bring in the following bills, viz:

On the motion of Mr. George,

1. A bill to amend the several acts concerning the Turnpike and Wilderness road; and

On the motion of Mr. Murrell,

2. A bill to add Edmonson county to the sixth judicial district, and for other purposes.

Messrs. George, H. Owsley and Dejarnatt, were appointed a committee to prepare and bring in the first; and Messrs. Murrell, Bibb and Gholson, the second bill.

The Senate took up the message of the Governor received on yesterday, which was read as follows, viz:

*Gentlemen of the Senate—*

I nominate for your advice and consent, ISAAC R. SMITH, to be commissioned Colonel of the 116th Regiment, K. M., in place of R. K. White, removed.

MICHAEL SOUTHER, Lieutenant Colonel of the same Regiment, in the place of A. Kightly, resigned.

JAMES F. WILSON, Major, in the place of I. R. Smith, promoted, of same Regiment.

ROBERT B. SCOTT, to be commissioned Colonel of the 72d Regiment, in place of Thomas W. Hammond, who refuses to accept.

WILLIAM HOPSON, jr. Major of said Regiment, in place of Robert B. Scott, promoted.

I also nominate for your advice and consent, LEWIS SANDERS, jr. to be commissioned Secretary of State.

JOHN BREATHITT.

*December 10th, 1832.*

The nomination of Lewis Sanders, jr. as Secretary of State, was laid on the table.

*Resolved*, That the Senate advise and consent to the appointment of the other persons nominated.

*Ordered*, That Mr. Dougherty inform the Governor thereof.

On the motion of Mr. Murray,

*Resolved*, That the committee of internal improvements enquire into the propriety of declaring Nolin a navigable stream as high up as Millerstown.

An engrossed bill, entitled, an act to amend the law regulating proceedings against absent defendants, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. George, from the committee appointed for that purpose, reported a bill to amend the several acts concerning the Turnpike and Wilderness road, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of internal improvements.

On the motion of Mr. Beatty,

*Resolved*, That the committee on internal improvements be instructed to enquire into the expediency and propriety of making an appropriation, for the purpose of improving the navigation of Big South Fork of Cumberland river, from the stone-coal banks downwards.

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WEDNESDAY, DECEMBER 12.

The Senate assembled.

1. Mr. Fleming presented the petition of sundry citizens of Bath county, praying that a law may pass, authorising gates to be erected across the old Iron-works road, between Andrew Gudgel's and John Harper's.

2. Mr. Thompson presented the petition of sundry citizens of Mercer county, praying that a law may pass, changing the ninth and twelfth judicial districts; and

3. Mr. Parks presented the petition of Matilda Buckner, praying a divorce from her husband, Thomas Buckner.

The said petitions were received and referred: the first to the committee of internal improvements; the second to the committee of courts of justice; and the third to the committee of religion.

A message was received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, viz:

An act for the benefit of the heirs of Smith Alexander, dec'd.

An act for the benefit of Eliza Badger.

An act for the benefit of Nancy Williams.

An act to establish the town of Carrolton, in Muhlenburg county.

An act for the benefit of the heirs of Lawrence Sanford, dec'd.

An act in relation to the towns of Cynthiana and Lawrenceburg.

An act for the benefit of James Parish; and

An act to regulate the Jefferson and Oldham circuit courts.

A message was received from the Governor, by Mr. Sanders, secretary of state, announcing that the Governor did, on the 10th

instant, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Noah C. Summers, clerk of Bullitt county court; and

An act for the relief of the sheriff of Garrard county.

Mr. W. Owsley, from the committee of courts of justice, made the following report, viz:

The committee of courts of justice, to whom was referred the resolution, requiring them to enquire into the expediency and propriety of amending the law of limitations in civil cases, have had the same under consideration, and come to the following resolution thereon.

*Resolved*, That it is inexpedient to legislate upon the subject.

Which was twice read, and concurred in.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Goodwin, reported the same with amendments, which were twice read and concurred in.

*Ordered*, That the said bill be read a third time as amended.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Wickliffe, the committee of courts of justice was discharged from the further consideration of the petition of sundry sheriffs and deputy sheriffs, to them referred, praying that the laws relating to the liability of sheriffs may be amended.

Mr. Hardin, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the sale of a part of the real estate of Everard Clark, deceased, to pay his debts, reported the same without amendment; and the said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie—A bill to amend and continue in force, an act to incorporate the city of Louisville; and

By Mr. Murrell—A bill adding Edmonson county to the sixth judicial district, and for other purposes.

The said bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with: the former was referred to the committee of courts of justice; and the latter was ordered to be engrossed, and read a third time to-morrow.



On the motion of Mr. W. Owsley, leave was given to bring in a bill, to repeal the act declaring Dick's river navigable; and Messrs. W. Owsley, Stephens and Thornton, were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Fleming in the chair. After some time spent in committee, the Speaker resumed the chair, when Mr. Fleming reported that the committee had, according to order, had under consideration a bill to amend the execution laws, and for other purposes, and had gone through the same and made sundry amendments thereto, which he handed in at the clerk's table; the said bill and amendments were laid on the table until to-morrow.

A message was received from the House of Representatives, announcing that they had adopted a resolution for appointing a joint committee, to examine the Lexington and Ohio Rail Road.

The said resolution was twice read, and concurred in; and Messrs. Hardin, Fleming, Clark, Campbell, Murray and Rudd, were appointed a committee on the part of the Senate, pursuant thereto.

And then the Senate adjourned.

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### THURSDAY, DECEMBER 13.

The Senate assembled.

Mr. Guthrie presented the petition of Sarah Shanklin, executrix of the last will of Richard Shanklin, deceased, praying that a law may pass, authorising the sale of two tracts of land of which the said Richard Shanklin died seized; and

Mr. George presented the petition of sundry citizens of Harlan county, praying an appropriation of land warrants, to improve a road in said county.

The said petitions were received and referred: the former to the committee of courts of justice; and the latter to the committee of internal improvements.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to change the mode of publishing the decisions of the appellate court of this commonwealth, reported the same with an amendment, which was twice read and concurred in.

*Ordered*, That the said bill be read a third time as amended.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Payne,

1. A bill for the benefit of Allen Taylor.

On the motion of Mr. W. Owsley,

2. A bill supplemental to an act, for the benefit of the sheriff of Garrard county.

On the motion of Mr. H. Owsley,

3. A bill for the benefit of Holbert McClure and William Fish, of Rockcastle county; and

4. A bill for the benefit of Sophia Adams, of Laurel county.

Messrs. Payne, Cunningham and Bibb, were appointed a committee to prepare and bring in the first; Messrs. W. Owsley, George and Campbell, the second; and Messrs. H. Owsley, Taylor and Clark, the third and fourth.

On the motion of Mr. Beatty,

*Resolved*, That the committee on internal improvements be instructed to enquire into the propriety and expediency of amending, or so changing, the law in relation to the Turnpike and Wilderness road, leading to Cumberland Gap, to precinct the same, and place each precinct under an individual, or companies with proper guards.

On the motion of Mr. Thompson,

*Resolved*, That the committee of courts of justice be instructed to enquire into the necessity and expediency of amending the criminal laws against shooting and stabbing.

On motion, leave of absence was granted to Mr. Conner, until next Monday week.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley—A bill repealing an act, declaring Dick's river navigable; and

A bill supplemental to an act, for the benefit of the sheriff of Garrard county.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate the following report of the President of the Bank of Kentucky, viz:

BANK OF KENTUCKY, }  
Frankfort, Dec. 12, 1832. }

SIR:—I herewith transmit a general statement, exhibiting the condition of this institution, on the 10th instant, inclusive.

The capital stock now held in the institution, exclusive of the residu-

ary interest, is composed of 11,275 shares, amounting nominally to the sum of \$224,764, of which the state is the owner of 5967 shares, amounting to \$119,340; and individuals and corporate stockholders own 5302 shares, equal to \$105,424, shewing an excess of state interest in the institution, over and above that of individual and corporate stockholders collectively, of 665 shares, equal to \$13,936; and that while the stock owned by the state is stationary, that of individuals is gradually diminishing. The residuary stockholders own 7331 shares, amounting nominally to the sum of \$145,500.

Since the 31st of December last, 105 shares of the capital stock, amounting to \$975, has been surrendered to the institution, in the payment of debts; and a redemption of 600 shares of residuary stock, amounting to \$12,000, has been effected by means of compromises, for bad and doubtful debts, and the sale of unproductive depreciating real estate.

The real estate sold, and otherwise disposed of, within the same period of time, amounts to \$18,633 75, while that acquired by sales under execution, decrees in chancery, or otherwise, is very limited, though not yet precisely ascertained.

Since the 31st Dec. last, notes of the corporation, payable to bearer, which were then in circulation, amounting to the sum of \$444, have been redeemed, by payment in silver, which the President and Directors have subsequently cancelled and burnt, in the presence of the Treasurer; leaving of that description of paper in circulation, \$29,362 33. Of those now in circulation, made payable to order, and usually termed post notes, amounting to \$2,759 81, none have been presented for payment, (except the sum of five dollars,) and when added to those made payable to bearer, amounts to \$32,122 14; constituting the entire demand against the bank for "notes issued." A very small proportion of this sum, it is most confidently believed, will ever be presented for redemption; and I hazard little in saying, that the gain to the institution, from the loss and destruction of its paper, will equal one per cent on the capital, or \$30,000.

The "current profits" of the institution, since the 31st December last, amounts to the sum of \$14,098 35, and the "current expenses" to \$5,188 61; leaving an excess of profit, over and above the charges, of \$8,909 74; which exhibits the fact, that the *expenses* of the institution, this year, are less than those of the last, by the sum of \$916 99; and that the "nett profits" of the bank, *this* year, exceed those of the last by the sum of \$181 08, which I consider the best commentary on the management of the directors, in the application of economy to the concerns of the institution.



The President and Directors have cast around to see if a further reduction in the expenses of the institution can be effected without endangering its best interest; but they cannot see *where* or in *what* it can be done, save in the diminution of the number of suits to be instituted, which has always been a source of drain on its "profits."

Since the adjournment of the last Legislature, the President and Directors ordered a distribution to be made, and paid to the stockholders, of five dollars, on each share of capital stock, one half to be paid in silver and the other in notes of the Bank of the Commonwealth, which gave to the state, and was paid to the Treasurer, \$14,967 50, in *silver*, and a like sum, in Commonwealth's paper. This distribution, when added to those previously made, makes 80 per cent, or 80 dollars, on each share, which has been paid to the stockholders, and places them all on an equality, as to the amount received. The period allowed, by law, for closing the concerns of this institution, is limited to the 1st day of January, 1836, being three years. That it shall be effected within that period, *and as much earlier as practicable*, is as desirable to those who control the management of the institution, as it is to the stockholders themselves; but there is little ground to hope for attaining the object, unless additional facilities, with an extension of powers, are granted by the legislature, to the President and Directors. These were pointed out in a communication which I had the honor of submitting to the legislature, at its last session, and which I again respectfully submit for their consideration.

I have the honor to be, respectfully,

Your obedient servant,

P. DUDLEY, *President.*

HON. JAMES T. MOREHEAD, *Speaker of the Senate.*

*Statement of the Situation of the Bank of Kentucky, Dec. 10, 1832.*

Due to other banks,	- - - - -	\$ 11 88
Notes issued,	- - - - -	32,122 14
Surplus profits,	- - - - -	301,699 29
Current profits,	- - - - -	14,098 35
Stock,	- - - - -	224,764 00
do. residuary,	- - - - -	145,500 00
Due to individuals,	- - - - -	65,150 35
		<hr/>
		\$783,346 01
		<hr/>
Current expenses,	- - - - -	\$ 5,188 61
Due from other banks,	- - - - -	20,104 27
Real estate,	- - - - -	226,226 89
		<hr/>
(Amount forwarded,)		251,519 77

(Amount brought forward,)		251,519 77
Due from individuals,	- - - - -	489,180 93
Defalcation at Branches,	- - - - -	21,333 99
CASH ON HAND—Silver,	- - - \$ 367 87	
Notes of specie banks,	- - - 11,380 00	
do. of the Com'th's. B'k.	- - - 9,357 45	
do. of uncurrent banks,	- - - 206 00	
		<hr/> 21,311 32
		<hr/> \$783,346 01

Attest,

H. BLANTON, *Clerk.*

*Ordered,* That the said report be referred to the committee of finance.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Brown in the chair. After some time spent in committee, the Speaker resumed the chair, when Mr. Brown reported that the committee had, according to order, had under consideration, a bill to improve the public grounds around the capitol, and to secure the public property from injury, and had gone through the same and made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were twice read and concurred in; the said bill was further amended, and committed to the committee of finance.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined an enrolled resolution, appointing a joint committee to examine the Lexington and Ohio Rail Road, and had found the same truly enrolled, and that the same had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and it was delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the heirs of Smith Alexander, dec'd,
2. An act for the benefit of Eliza Badger,
3. An act for the benefit of Nancy Williams,
4. An act to establish the town of Carrolton, in Muhlenburg county,
5. An act for the benefit of the heirs of Lawrence Sanford, dec'd,
6. An act in relation to the towns of Cynthiana and Lawrenceburg,
7. An act for the benefit of James Parish; and
8. An act to regulate the Jefferson and Oldham circuit courts.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second, third, fourth, fifth and sixth bills, having been dispensed with, they were committed; the second and third to the committee of religion; and the fourth, fifth and sixth, to the committee of courts of justice.

The rule of the Senate, constitutional provision, and second and third readings of the first bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act adding Edmonson county to the sixth judicial district, and for other purposes, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county, with amendments.

The said amendments were twice read and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in that house, of the following titles, viz:

1. An act for the benefit of Susannah Johnson.
2. An act to authorise the erection of a building, for the use of a public library, on the public square in Richmond.
3. An act for the benefit of the sheriff of Scott county.
4. An act for the benefit of Abner W. Smith, former sheriff of Caldwell county.
5. An act to authorise the sale of Lebanon meeting-house, in the county of Todd; and
6. An act to establish a tobacco inspection at Paintsville, in Floyd county.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, second and third bills, having been dispensed with, they were committed; the first to the committee on religion; the third to the committee on military affairs; and the fourth to the committee of finance.

The rule of the Senate, constitutional provision, and second and third readings of the second and fifth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.



## ***A Statement of the Situation of the Ba***

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***Dr.***

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***Dr.***

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To amount of Stock, . . . . .  
“ amount of Notes Payable, . . . . .  
“ amount of Discounts, . . . . .  
“ amount due Individual Depositors, . . . . .  
“ amount due other Banks, . . . . .  
“ amount due Literary Fund, . . . . .  
“ amount due William D. Barrett, late cashier Greensburg Bra

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The heads of accounts, in the above table, termed “Du  
to the Branches, save the sum of \$12,500 specie, due from  
December 13th, 1832.

Dr.							
	Stock	Notes Payable.	Discounts.	Due to individual depositors.	Due to other Banks.	Due to Literary Fund.	Due to W. D. Barrett, late cash'r.
Principal Bank District.	\$660,840 47	250,000	5,664 43	6,233 08	17,856 56	8,496 92	-
Bowlinggreen Branch do.	-	-	2,528 88	253 58	122,748 91	11,615 98	-
Flemingsburg do. do.	-	-	276 33	17 28	-	10,173 59	-
Falmouth do. do.	-	-	574 13	48 19	8,734 05	8,656 74	-
Greensburg do. do.	-	-	1,418 90	188 01	25,830 96	11,383 69	43 18
Harrodsburg do. do.	-	-	4,055 25	612 57	145,840 70	13,891 33	-
Hartford do. do.	-	-	1,768 53	132 94	45,417 79	6,182 14	-
Lexington do. do.	-	-	1,688 73	650 05	18,947 67	14,597 70	-
Louisville do. do.	-	-	2,096 35	293 66	86,053 87	17,510 98	-
Mount Sterling do. do.	-	-	1,457 61	493 82	33,725 50	4,288 23	-
Princeton do. do.	-	-	1,356 55	-	17,107 43	10,621 84	-
Somerset do. do.	-	-	887 24	175 97	25,982 12	7,380 39	-
Winchester do. do.	-	-	2,309 68	8 66	7,670 34	16,117 91	-
	\$660,840 47	250,000	26,082 61	9,108 11	557,875 91	140,917 44	43 18

Cr.											
	Notes under Discount.	Notes in Suit.	Due from other Banks.	Real Estate.	General Expenses.	Due from Treasurer.	Profit and Loss.	Due from A. Morehead, late cash'r.	Due from B. F. Pleasants, late cash'r.	Due from D. Bradford, late cash'r.	Due from E. Stockton, late cash'r.
Principal Bank District.	101,079 50	13,466 24	339,838 72	2,641 63	4,034 58	161,853 25	3,435 82	-	-	-	-
Bowlinggreen Branch do.	61,588 18	41,626 51	-	15,769 40	820 61	-	1,773 46	15,260 19	-	-	-
Flemingsburg do. do.	2,088	2,409 79	5,356 57	-	391 99	-	220 85	-	-	-	-
Falmouth do. do.	11,366	4,721 68	-	1,351	571 73	-	-	-	-	-	-
Greensburg do. do.	23,235 15	11,580 72	-	2,657 61	961 11	-	259 02	-	-	-	-
Harrodsburg do. do.	110,094 70	39,400 47	-	3,218 68	2,052 21	-	874 72	-	14,831 44	-	-
Hartford do. do.	47,131 01	4,940 82	-	612 38	798 19	-	-	-	-	-	10
Lexington do. do.	26,683 17	8,926 07	-	-	665 30	-	-	-	-	1,709 01	-
Louisville do. do.	53,991 70	7,762 83	-	17,194 82	1,196 80	-	25,352 79	-	-	-	-
Mount Sterling do. do.	31,755 73	6,829 18	-	1,086	633 58	-	-	-	-	-	1,630 37
Princeton do. do.	24,697 41	3,218	-	1,415 93	732 71	-	91 87	-	-	-	-
Somerset do. do.	19,748 03	13,645 83	-	-	988 46	-	-	-	-	-	-
Winchester do. do.	13,722 08	10,448 05	-	200	536 95	-	1,198 61	-	-	-	-
	526,114 52	158,212 09	545,195 29	46,160 45	15,293 25	161,853 25	33,207 14	15,260 19	11,831 44	1,709 01	1,630 37

Cr.—continued below.

Cr.—continued.												
	Due from O. G. Waggener, late cash'r.	Due from T. W. Riley, attorney.	Due from G. B. Knight, attorney.	Due from Elisha Smith, attorney.	Due from A. Waggener's administrator.	Due from W. Field, sheriff of Jefferson county.	Due from Farmers' Bank of Harrodsburg.	Due from Kentucky Exporting Company.	Due for individual tickets.	Specie and United States Notes.	Eastern and Southern Notes.	Notes Bank of the Commonwealth.
Principal Bank District.	200	-	2,548 34	-	-	-	-	-	-	1,032 57	513 63	117,547 19
Bowlinggreen Branch do.	-	-	-	-	-	-	-	-	-	-	-	-
Flemingsburg do. do.	-	-	-	-	-	-	-	-	-	-	-	-
Falmouth do. do.	-	-	-	-	162 10	-	-	-	-	-	-	-
Greensburg do. do.	-	-	-	-	-	-	1,671 94	507	708 63	-	-	-
Harrodsburg do. do.	-	-	-	-	-	-	-	-	-	-	-	-
Hartford do. do.	-	-	-	-	-	-	-	-	-	-	-	-
Lexington do. do.	-	-	-	-	-	65 45	-	-	-	-	-	-
Louisville do. do.	-	390 47	-	-	-	-	-	-	-	-	-	-
Mount Sterling do. do.	-	-	-	-	-	-	-	-	-	-	-	-
Princeton do. do.	-	-	-	-	-	-	-	-	-	-	-	-
Somerset do. do.	-	-	-	23 40	-	-	-	-	-	-	-	-
Winchester do. do.	-	-	-	-	-	-	-	-	-	-	-	-
	200	390 47	2,548 34	23 40	162 10	65 45	1,671 94	507	708 63	1,032 57	513 63	117,547 19

## RECAPITULATION.

Dr.				Cr.			
To amount of Stock,		\$660,840 47		By amount of Notes under Discount,		\$526,114 52	
" amount of Notes Payable,		250,000		" amount of Notes in Suit,		158,212 09	
" amount of Discounts,		26,082 61					\$64,926 61
" amount due Individual Depositors,		9,108 11		" amount due from other Banks,			545,195 29
" amount due other Banks,		557,875 91		" amount of Real Estate,			46,160 45
" amount due Literary Fund,		140,917 44		" amount of General Expenses,			15,293 25
" amount due William D. Barrett, late cashier Greensburg Branch.		43 18		" amount due from Treasurer,			161,853 25
				" amount of Profit and Loss,			33,207 14
				" amount due from A. Morehead, late cashier,		15,260 19	
				" amount due from B. F. Pleasants, late cashier,		11,831 44	
				" amount due from D. Bradford, late cashier,		1,709 01	
				" amount due from E. Stockton, late cashier,		1,630 37	
				" amount due from R. Eliott, late cashier,		10	
				" amount due from O. G. Waggener, late cashier,		200	
							33,641 01
				" amount due from T. W. Riley, attorney,		390 47	
				" amount due from G. B. Knight, attorney,		2,548 34	
				" amount due from Elisha Smith, attorney,		23 40	
							2,962 21
				" amount due from A. Waggener's administrator,		162 10	
				" amount due from William Field, Sheriff of Jefferson County,		65 45	
				" amount due from Farmers' Bank of Harrodsburg,		1,071 94	
				" amount due from Kentucky Exporting Company,		507	
				" amount due for individual tickets,		708 63	
				" amount of Cash on hand. viz: Specie and United States Notes,		1,032 57	
				Eastern and Southern Notes,		513 63	
				Notes of the Bank of the Commonwealth,		117,547 19	
							119,003 30
		\$1,644,867 72					\$1,644,867 72

The heads of accounts, in the above table, termed "Due to other Banks," and "Due from other Banks," embraces balances due from the Branches to the Principal Bank, and from the Principal Bank to the Branches, save the sum of \$12,500 specie, due from the Principal Bank to the Bank of Kentucky.  
December 13th, 1832.

EDMUND H. TAYLOR, Cashier.



The Speaker laid before the Senate the following report of the President of the Bank of the Commonwealth of Kentucky, viz:

BANK OF THE COMMONWEALTH OF KENTUCKY,  
Frankfort, 13th December, 1832. }

SIR:—I have the honor of communicating herewith a statement exhibiting, in detail, the situation of this institution, on the 30th day of the last month inclusive. (See annexed folding leaf.)

The notes now under regular discount, amounts to the sum of \$526,114 52. Notes in suit, \$158,212 09. Real estate, \$46,180 45: making together, the aggregate sum of \$730,507 06.

The interest received on notes under discount, and those paid off during the current year, amount to the sum of \$26,082 61; and the expenses, within the same period, to \$15,293 25; leaving the sum of \$10,789 36, to be carried to the credit of the Treasurer, as a nett profit.

On the second day of January last, the President and Directors cancelled and burnt, in presence of the Auditor and Treasurer, \$100,000, of the notes of the institution; leaving the amount of all the bills issued by the bank, at \$250,000. \$149,353 25 of which has been re-issued, and thrown into circulation, upon the drafts of the Treasurer, over and above the amount of his deposits; and to which is to be added the sum of \$12,500, in *specie*, received on deposit, by the Bank of Kentucky, and paid out upon the checks of the Treasurer, in favor of the Maysville and Shelbyville Turnpike roads.

Supposing the above balance against the Treasury to be settled and paid off, and that sum added to the amount of cash on hand, (\$117,547 19, in Commonwealth's paper, and \$1,546 20, in *specie*,) it will be seen that the bank would, at this time, have redeemed all its notes, and have in its vaults the sum of \$18,446 64, in *specie*, or its equivalent, with a solvent debt of more than half a million of dollars, after deducting the bad debts, and a loss of one third upon the real estate.

By a resolution of the Board of Directors, the number of agents was, on the first day of the present month, reduced from twelve to seven; and saves to the state at the rate of \$1,100 per annum. In addition to this, the bank has an assurance of the undivided services of its agents, under this arrangement, which will, it is believed, greatly facilitate the collection of the debts now due.

I am, Sir, very respectfully, your obedient servant,

H. WINGATE, *President*.

HON. JAMES T. MOREHEAD, *Speaker of the Senate*.

Ordered, That the said report be referred to the committee of finance.



Mr. Wood, from the committee on religion, reported a bill to divorce Mary Ann Patterson from her husband, Hugh I. Patterson; which was read the first time, and ordered to be read a second time.

A bill to amend the execution laws, and for other purposes, was taken up, and re-committed to the committee of courts of justice.

And then the Senate adjourned.

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*FRIDAY, DECEMBER 14.*

The Senate assembled.

Mr. Cunningham, from the committee of privileges and elections, made the following report, viz:

The committee of privileges and elections have, according to order, had under consideration the returns from the several senatorial districts, and report the following gentlemen elected, viz:

From the counties of Calloway, Hickman, McCracken and Graves, Thomas James; from the counties of Livingston, Caldwell and Trigg, James Campbell; from the counties of Christian and Todd, James Gholson; from the counties of Logan and Simpson, John B. Bibb; from the counties of Henderson, Union and Hopkins, Andrew Sisk; from the counties of Warren and Allen, William C. Payne; from the counties of Barren and Edmonson, Hezekiah P. Murrell; from the counties of Green and Hart, James Murray; from the counties of Cumberland and Monroe, William Wood, from the counties of Adair, Casey and Russell, Simeon Creel; from the counties of Pulaski and Wayne, Martin Beatty; from the counties of Breckenridge, Hancock, Ohio and Daviess, William R. Griffith; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Hardin and Meade, Armistead H. Churchill; from the city of Louisville, and the counties of Jefferson and Bullitt, James Guthrie; from the counties of Oldham and Henry, John Rodman; from the county of Shelby, William G. Boyd; from the counties of Nelson and Spencer, Benjamin Hardin; from the county of Washington, Christopher A. Rudd; from the county of Mercer, John B. Thompson; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the county of Garrard, William Owsley; from the county of Madison, James Dejarnatt; from the counties of Clay, Knox, Harlan and Whitley, Robert George; from the counties of Gallatin, Boone and Grant, Robert S. Dougherty; from the counties of Campbell and Pendleton, Leonard Stephens; from the counties of Bracken and Nicholas, James Parks; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the counties of Harrison and Scott, John O. Beaseman; from the county of Bourbon, John R. Thornton; from the county of Fayette, Robert Wickliffe; from the

counties of Woodford and Jessamine, George I. Brown; from the counties of Montgomery and Bath, Aquilla Young; from the counties of Greenup, Lewis and Lawrence, William Conner; from the county of Fleming, William P. Fleming; from the county of Mason, Robert Taylor; from the counties of Morgan, Floyd, Pike and Perry, David K. Harris; and from the counties of Clarke and Es-till, James Clark.

The committee find that the time of service, of Leonard Stephens, William C. Payne, Robert George, John B. Thompson, James Campbell, John R. Thornton, Christopher A. Rudd, Robert Wickliffe and William Wood, will expire in the year 1833.

John O. Beaseman, William Cunningham, Robert S. Dougherty, Henry Owsley, James Parks, William Conner, George I. Brown, William G. Boyd, James Dejarnatt and John B. Bibb, in 1834.

James Gholson, William R. Griffith, James Guthrie, John Rodman, Benjamin Hardin, Robert Taylor, William P. Fleming, David K. Harris and James Clark, in 1835.

And that of Thomas James, Andrew Sisk, Hezekiah P. Murrell, James Murray, Simeon Creel, Martin Beatty, William Owsley, Aquilla Young, Armistead H. Churchill and Cyrus Wingate, in 1836.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Simpson, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Dicey Fletcher, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

The question was taken on the passage thereof, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Payne and Boyd, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Dejarnatt, George, Griffith, James, Murrell, H. Owsley, Rodman, Sisk, Thompson, Thornton, Wickliffe, Wingate, Wood—18.

NAYS—Messrs. Churchill, Cunningham, Dougherty, Guthrie, W. Owsley, Payne, Taylor—7.

*Resolved*, That the title of the said bill be amended to read, an act for the benefit of Dicey Fletcher.

Mr. Rodman, from the committee on military affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the sheriff of Scott county, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

Leave was given to bring in the following bills, viz:

On the motion of Mr. Murrell,

1. A bill for the benefit of William Butler, clerk of the Monroe county and circuit courts.

On the motion of Mr. Taylor,

2. A bill authorising an additional subscription for, and on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

On the motion of Mr. George,

3. A bill to provide for copying and preserving certain records, belonging to the office of the surveyor of Harlan county; and

On the motion of Mr. Murrell,

4. A bill concerning the academy in Barren county.

Messrs. Murrell, Wood and Thornton, were appointed a committee to prepare and bring in the first; Messrs. Taylor, Wickliffe, Thornton and Parks, the second; Messrs. George, Beatty and W. Owsley, the third; and Messrs. Murrell, Cunningham and Payne, the fourth.

Mr. Rodman read, and laid on the table, the following resolution, viz:

*Resolved*, by the General Assembly of the Commonwealth of Kentucky, That the Treasurer is hereby authorised and required to attend to the furnishing of fuel necessary for the use of the public offices and both branches of the Legislature: and the accounts for the same subject to the approval of the Governor, in the same manner as now directed by law.

On the motion of Mr. Beaseman,

*Resolved*, That the committee on internal improvements be instructed to enquire into the propriety of opening, or improving, the road from Winchester, Clark county, through Paris and Harrison county to Covington, in Campbell county, and that they report by bill or otherwise; also, to enquire into the expediency of appropriating the fines and forfeitures of Harrison county to said road, in case they shall deem it advisable to open or improve said road.

Mr. Churchill, from the committee to whom was referred a bill



to regulate the establishing of ferries in this commonwealth, reported the same with an amendment; the said bill and amendment were laid on the table.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in that house, of the following titles, viz:

An act to regulate election precincts in certain counties.

An act to authorise the circuit court of Jefferson county to appoint commissioners, to investigate the affairs of the Commercial Bank at Louisville.

An act to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

An act for the benefit of Gabriel Gaines' heirs.

An act to authorise the recording of deeds remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk.

An act for the benefit of Mary Ann Patterson.

An act for the benefit of Isabella Marshall, of the county of Campbell.

An act for the benefit of Elizabeth McClure.

An act to regulate the fines and forfeitures of Russell county.

An act to change the constable's district in the 1st battalion and 88th regiment, K. M., and to change a constable's district in the county of Estill.

An act for the benefit of Henry Waddle; and

An act for the benefit of Louisa Meriwether.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley, from the committee of courts of justice—

1. A bill to amend the law regulating proceedings in cases of ejectments, and forcible entries and detainers; and

By Mr. Payne—2. A bill for the benefit of Allen Taylor.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the latter bill having been dispensed with, it was referred to the committee of courts of justice.

Bills from the House of Representatives, of the following titles, viz:

1. An act for the benefit of James Parrish.

2. An act to regulate the Jefferson and Oldham circuit courts.

And 3. An act to establish a tobacco inspection at Paintsville, in Floyd county,

Were severally read the second time, and ordered to be read a third time, the second having been amended.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, the third was referred to the committee of courts of justice.

*Resolved*, That the first and second bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Mary Ann Patterson, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Payne and Bibb, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Cunningham, Dejarnatt, Dougherty, George, James, Murrell, H. Owsley, W. Owsley, Rodman, Sisk, Stephens, Thompson, Thornton, Wingate, Wood—20.

NAYS—Messrs. Churchill, Guthrie, Payne, Taylor, Wickliffe—5.

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Louisa Meriwether, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Taylor and Thompson, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Dejarnatt, Dougherty, George, Griffith, James, Murrell, H. Owsley, W. Owsley, Rodman, Sisk, Stephens, Thompson, Thornton, Wickliffe, Wingate, Wood—20.

NAYS—Messrs. Brown, Churchill, Cunningham, Guthrie, Payne, Taylor—6.

*Resolved*, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

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### SATURDAY, DECEMBER 15.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 13th instant, approve and sign an enrolled resolution, appointing a committee to examine the Lexington and Ohio Rail Road.

That they had concurred in the amendments proposed by the Senate, to bills which originated in that house, of the following titles, to wit:

An act authorising the county courts of Jessamine, and other counties, to appoint, in their respective counties, additional constables.

An act to amend "an act, requiring tavern keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance, and obtain license," approved Dec. 22, 1831; and

An act for the benefit of Mary Goodwin.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to change the first constable's district in Washington county.

An act to change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.

An act for the relief of jailors.

An act for the benefit of Jeffersontown.

An act regulating the ferry at the mouth of the Big Kentucky river, in Gallatin county.

An act repealing an act, declaring Dick's river navigable.

An act adding Edmonson county to the sixth judicial district, and for other purposes.

An act supplemental to an act, for the benefit of the sheriff of Garrard county.

An act continuing in force the law providing for the appointment of commonwealth's attorneys; and

An act to legalize the proceedings of the Greenup county court, at their last November term,

With amendments to the latter bill; the said amendments were twice read and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in that house, of the following titles, viz:

An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county.

An act for the benefit of the wife and children of William Green, a lunatic.

An act for the benefit of Israel Rose.

An act for the benefit of Allen Taylor.

An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county; and

An act for the benefit of Stephen and Caty Sampson.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act in relation to the towns of Cynthiana and Lawrenceburg, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,



*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Lawrence Sanford, deceased, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass; which was twice read and concurred in, and so the said bill was disagreed to.

Mr. Guthrie, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, agreeably to order, had under consideration the petition of sundry citizens of Oldham county, praying for the removal of their seat of justice, and have come to the resolution that said petition *be rejected*.

They have also had under consideration the petition of sundry citizens of Oldham county, praying to be added to the county of Shelby, and have come to the resolution that said petition *is reasonable*.

Which was twice read and concurred in.

*Ordered*, That the said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Cook, reported the same with an amendment, which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Nancy Williams,

An act for the benefit of Eliza Badger; and

An act for the benefit of Susanna Johnson,  
reported the same without amendment.

*Ordered*, That the said bills be read a third time.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wood,

1. A bill for the benefit of the head-right and Tellico settlers.

On the motion of Mr. Boyd,

2. A bill to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements for Shelby county.

On the motion of Mr. James,

3. A bill to reduce the price of the vacant lands West of Tennessee river, and to protect the actual settlers in said land district; and

On the motion of Mr. Wickliffe,

4. A bill to authorise the purchase of law books for the public library, and for other purposes.

Messrs. Wood, Beatty and Thornton, were appointed a committee to prepare and bring in the first; Messrs. Boyd, Guthrie and Wingate, the second; Messrs. James, Sisk and Campbell, the third; and Messrs. Wickliffe, Guthrie and W. Owsley, the fourth.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Taylor—1. A bill to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

By Mr. Murrell—2. A bill appointing trustees to the Glasgow academy; and

3. A bill for the benefit of William Butler, clerk of the Monroe county and circuit courts.

By Mr. George—4. A bill providing for the copying and preserving certain record books, belonging to the office of the surveyor of Harlan county.

By Mr. H. Owsley—5. A bill for the benefit of Halbert McClure and William Fish, of Rockcastle county; and

6. A bill for the benefit of Sophia Adams.

By Mr. Griffith—7. A bill for the benefit of Charles Wallace and Nicholas Hocker; and

By Mr. Wickliffe—8. A bill to amend the act, to provide for opening and keeping in repair the highways in the county of Fayette.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, fourth, fifth, sixth and seventh bills, having been dispensed with, they were committed; the first and seventh to the committee of finance; the fourth to a committee of Messrs. George, Beatty and W. Owsley; the fifth to the committee of courts of justice; and the sixth to the committee of propositions and grievances.

The rule of the Senate, constitutional provision, and second and third readings of the second, third and eighth bills, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Beaseman,

*Resolved*, That the committee on internal improvements be instructed to enquire into the expediency of removing the obstructions to navigation in main Licking river, from its mouth to Claysville, in Harrison county, so as to render it navigable for steam-boats.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county.

An act to repeal, in part, an act, "to amend the law concerning the trustees of the town of Glasgow, and for other purposes," passed January, 1831.

An act to authorise the sale of Lebanon meeting-house, in the county of Todd.

An act for the benefit of Smith Alexander, deceased.

An act to authorise the erection of a building, for the use of a public library, on the public square in Richmond; and

An act for the benefit of Mary Ann Patterson;

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

A bill to amend the law, regulating proceedings in cases of ejectments, and forcible entries and detainers, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Thornton, who voted in the majority, the vote, by which the last mentioned bill was passed, was reconsidered; and the said bill was referred to a committee of Messrs. W. Owsley, Wickliffe, Thornton and Guthrie.

Bills from the House of Representatives, of the following titles, were severally read the first time, and ordered to be read a second time, viz:

1. An act to regulate election precincts in certain counties.

2. An act to authorise the circuit court of Jefferson to appoint a commissioner, to investigate the affairs of the Commercial Bank at Louisville.

3. An act to legalize the proceedings of the Christian and Baren county courts, in appointing commissioners of tax, and for other purposes.

4. An act for the benefit of Gabriel Gaines' heirs.

5. An act to authorise the recording of deeds remaining unrecorded, in the clerk's office of the Logan county court, at the death of the late clerk.



6. An act for the benefit of Isabella Marshall, of the county of Campbell.

7. An act for the benefit of Elizabeth McClure.

8. An act to regulate the fines and forfeitures of Russell county.

9. An act to change the constable's district in the 1st battalion and 88th regiment, K. M., and to change a constable's district in the county of Estill.

10. An act for the benefit of Henry Waddle.

11. An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county; and

12. An act for the benefit of the wife and children of William Green, a lunatic.

The rule of the Senate, constitutional provision, and second reading of the first, second, fourth, fifth, sixth, seventh, ninth, tenth, eleventh and twelfth bills, having been dispensed with, they were severally committed; the first to the committee of privileges and elections; the second, fourth, fifth, ninth, eleventh and twelfth, to the committee of courts of justice; the sixth and seventh to the committee of religion; and the tenth to a committee of Messrs. Beaty, James and Boyd.

The rule of the Senate, constitutional provision, and second and third readings of the eighth bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to change the time of holding the Lewis circuit court, with amendments.

On the motion of Mr. Guthrie, who voted in the majority, the vote was reconsidered, by which the Senate advised and consented to the appointment of Robert B. Scott, as colonel of the 72d regiment, in the place of Thomas W. Hammond.

And leave was given to withdraw the nomination of the said Scott.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

Mr. Guthrie read, and laid on the table, the following resolution, viz:

*Resolved*, by the Senate and House of Representatives of the Commonwealth of Kentucky, That the public librarian be authorised and requested to have twelve copies of the acts of the legislature, not included in Littell's laws, bound in one or more volumes, and deposit two copies thereof in the office of the secretary of state, and the residue in the public library, for the use of the legislature; and such acts as are not in the library, he is authorised and requested to purchase, to complete the twelve copies. The Governor is authorised and requested to examine the accounts of expense incurred under this resolution, and, if he approve, to certify

it to the auditor of public accounts, who shall issue his warrant on the treasurer for the same.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read, and adopted.

And then the Senate adjourned.

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MONDAY, DECEMBER 17.

The Senate assembled.

A message was received from the House of Representatives, announcing the concurrence of that house in amendments proposed by the Senate to bills, which originated in that house, of the following titles, viz:

An act for the divorce of Dicey Fletcher.

An act to regulate the Jefferson and Oldham circuit courts; and

An act for the benefit of the sheriff of Scott county.

And that they had passed bills of the following titles, viz:

An act for the benefit of John Smith and Bartlett Hill.

An act to allow the Independent Banks of this commonwealth further time to settle their concerns.

An act to change the place of voting in an election precinct, in Montgomery county, from Robert Gay's to John L. Martin's, and for other purposes.

An act to establish an election precinct in Barren county.

An act for the benefit of Benjamin Robison.

An act for the divorce of Polly Rains.

An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

An act to legalise the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes; and

An act to authorise the establishment of a road, from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

The Speaker laid before the Senate the following report of the trustees of the asylum for the instruction of the deaf and dumb, viz:

*To the honorable the General Assembly of the Commonwealth of Kentucky:*

The Trustees of the Asylum for the instruction of the Deaf and Dumb, would respectfully report,

That the pupils in the Institution have enjoyed good health generally, during the past year, and have made satisfactory progress in their studies. We have, however, to regret the loss, by sickness, early in the year, of two promising young men—Thomas Kennon of Mississippi, and John G. Bell of Tennessee.

The additions to the buildings, mentioned in our last report, have been completed, and add much to the comfort and convenience of the Institution.

A statement of our funds accompanies this report; from which it will

be seen, that we have been disappointed in the amount to be received this year, from sales of land in Florida. This has been caused by continued sickness of Colonel Allen, our agent, together with other causes assigned by him, of the difficulty of making collections there. The exact state of our prospects there we do not know, as yet, as we are promised a detailed statement of our affairs during the coming month of January, when we expect a visit from our agent. It is, as heretofore expressed, the constant policy of the trustees, as fast as possible, to create a permanent fund. By reference to our account, it will be seen what progress has been made on that subject. All loans are made upon unquestionable personal security.

A reference to the accompanying list of pupils, shew an increase in number since our last report, and we have prospects of more accessions upon the opening of the next spring.

It would afford the trustees pleasure to receive a visit from a committee of your honorable body, or to send a pupil or two, with a teacher, to the seat of government, if desired.

Respectfully submitted, by order,

D. G. COWAN, *Secretary.*

*Statement shewing the situation of the funds, of the Asylum for the Deaf and Dumb, on the 3d November, 1832.*

DR—To balance on 3d November, 1831, as per report,	\$6,636 05
“ amount received from the Treasury, for the support of indigent pupils for the year ending 3d November, 1832,	3,117 62
“ tuition fees received from pay pupils,	244 11
“ cash received from R. C. Allen, agent in Florida, on account sales of land,	1,009 17
“ cash repaid by borrowers,	294 00
	<u>\$11,300 95</u>
CR—By amount paid for erection of a new building,	\$2,078 03½
“ amount paid Mr. Kerr, for the support of indigent pupils,	1,484 76
“ amount paid same, salary as teacher,	400 00
“ amount paid Mr. Jacobs, principal teacher, for one year and one quarter's salary, at \$750 specie, per annum,	1,058 00
“ amount paid W. D. Kerr, assistant teacher,	259 00
“ fuel for school-room,	20 00
“ amount paid for books, stationery, and incidental expenses,	41 63½
“ amount paid for repairs of fences, making gates, pump, &c.	74 09
“ amount paid for fees, attorneys, clerks, &c.	22 77
“ amount paid for printing,	6 70
“ amount paid for postages,	3 20
	<u>\$ 5,448 19</u>
To balance on hand,	5,852 76
	<u><u>\$11,300 95</u></u>



Of the above balance of \$5,852 76, there is upon loan, in specie, the sum of \$4,375, bearing an interest of six per cent.—leaving on hand, in Commonwealth paper funds, \$1,473 76.

D. G. COWAN, *Secretary*.

OFFICERS OF THE ASYLUM.

Rev. John R. Kerr, superintendent and assistant teacher; Mrs. Frances Kerr, matron; John A. Jacobs, principal teacher; William D. Kerr, assistant teacher. Fleece and Weisiger, physicians. James C. Barnes, (chairman,) James Barbour, (treasurer,) David G. Cowan, (secretary,) George Robertson, Charles M. Cunningham, Paul I. Booker, John Green, John Brown, Cyrus Walker, James K. Burch and Phineas G. Rice, trustees.

*Pupils in the Asylum on the 3d November, 1832.*

Names.	Age.	When entered.	Where from.	Remarks.
A. J. King, . . . .	15	Sept. 13, 1829,	Bourbon co. Ky.	Indigent.
Emily Grissom, . .	25	Apr. 24, -	Adair co. -	do
And. D. Holt, . . .	14	May 29, -	Mercer co. -	Pays ch.
David Arnet, . . .	24	Aug. 3, -	Bath co. -	Indigent.
William P. Moore,	22	Aug. 2, -	West Tennessee,	Pays ch.
Lucinda Philips, .	15	Aug. 7, -	Garrard co. Ky.	Indigent.
Silas Ford, . . . .	18	Sept. 25, -	Madison co. -	do
John S. Langdon, .	14	May 18, 1830,	Pulaski co. -	do
Henry Grissom, . .	14	Sept. 27, -	Adair co. -	do
Edward Busby, . .	14	Sept. 27, -	Adair co. -	do
Thomas G. White,	13	Sept. 27, -	Harrison co. -	do
Laura Flournoy, .	15	Oct. 11, -	Caldwell co. -	do
Adeline Flournoy,	13	Oct. 11, -	Caldwell co. -	do
Jesse Forsythe, . .	23	Dec. 23, -	Pendleton co. -	do
James Keeth, . . .	19	Dec. 23, -	Pendleton co. -	do
William Hoagland,	25	Mar. 22, 1831,	Washington co. -	do
Curtis Gatewood,	16	May 11, -	Nelson co. -	do
William Gatewood,	14	May 11, -	Nelson co. -	do
Sally Gatewood, .	13	May 11, -	Nelson co. -	do
Waller W. Wood, .	14	June 21, -	Mississippi,	Pays ch.
Zulema Kinchelo,	17	Sept. 19, -	Nelson co. Ky.	Indigent.
Jesse Vanwinkle, .	12	Sept. 13, -	Wayne co. -	do
Jacob N. Johnston,	11	July 11, 1832,	Bourbon co. -	do
John C. Woods, . .	15	Nov. 10, 1831,	West Tennessee,	Pays ch.
James Carey, . . .	17	Apr. 13, -	Clark co. Ky.	Indigent.
Charles A. Welden,	11	May 30, 1832,	Bracken co. -	do
Eleanor Mills, . .	11	Aug. 25, -	Jefferson co. -	do
William W. Cole, .	22	Sept. 10, -	Franklin co. -	do
Helen G. Martin, .	8	Oct. 3, -	Alabama,	Pays ch.
Waller Rodas, . .	16	Apr. 12, -	Scott co. Ky.	do

Mr. Wickliffe presented the petition of the mayor and council of the city of Lexington, praying that a law may pass, appropriating the property of the Lexington Seminary for the use of a free-school in the said city.

Which was received, read, and referred to a committee of Messrs. Wickliffe, Thornton and Hardin.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to amend the laws concerning the Lunatic Asylum, reported the same with amendments: which were twice read and concurred in.

*Ordered*, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe, from the same committee, reported a bill to amend the several acts against unlawful gaming; and a bill to amend the laws relating to public officers, and for other purposes.

Which bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed to a committee of the whole house, on the state of the commonwealth, for Wednesday next.

*Ordered*, That the public printer print one hundred and fifty copies of the said bills, for the use of the General Assembly.

Mr. Wickliffe, from the same committee, to whom was referred a bill for the benefit of Allen Taylor, reported the same with an amendment; which being twice read, the said bill and amendment were laid on the table.

Mr. Wickliffe, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish a tobacco inspection at Paintsville, in Floyd county, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

Which was twice read, and the said bill and resolution were laid on the table.

Mr. Thornton read, and laid on the table, the following resolution, viz:

*Resolved, by the Senate and House of Representatives*, That when they adjourn on Friday next, they will adjourn to meet on the Thursday following.

The following bills were reported by Mr. Wickliffe, from the committees appointed to prepare and bring in the same, viz:

A bill concerning the public library, and to provide for the election of a librarian; and

A bill to dissolve the Lexington Seminary, and to vest the funds of the institution in the mayor and council of the city of Lexington.

The said bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the former bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, requesting leave to withdraw the report of the passage of a bill from the Senate, entitled, an act continuing in force the law providing for the appointment of commonwealth's attorneys.

And the question being taken on granting leave to withdraw the said report, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Guthrie and Hardin, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Rudd, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wood—25.

NAYS—Messrs. Dejarnatt, Dougherty, Guthrie, Murray, Sisk, Wingate—6.

*Ordered*, That Mr. Fleming inform the House of Representatives thereof.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to change the time of holding the Lewis circuit court, were twice read and concurred in.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Israel Rose.
2. An act for the benefit of Allen Taylor; and
3. An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county,

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the third bill having been dispensed with: it was referred to the committee of religion.

The rule of the Senate, constitutional provision, and second and third readings of the second bill having been dispensed with, and the same being amended.

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.



## TUESDAY, DECEMBER 18.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 15th instant, approve and sign enrolled bills, which originated in that house, of the following titles, viz:

An act for the benefit of the heirs of Smith Alexander, dec'd.

An act to authorise the sale of Lebanon meeting-house, in the county of Todd.

An act to repeal, in part, an act to amend the law concerning the town of Glasgow, and for other purposes, passed January, 1831.

An act to authorise the erection of a building, for the use of a public library, on the public square in Richmond; and

An act for the benefit of Mary Ann Patterson.

That they had passed bills of the following titles, viz:

An act to amend, and reduce into one, the several acts concerning the town of Augusta, in Bracken county.

An act for the benefit of George Coleman, and others.

An act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky, in Clay county.

An act for the benefit of the jailor of Logan county.

An act for the benefit of Bowling Thompson.

An act for the relief of James Cole.

An act for the divorce of Temple West.

An act for the benefit of Polly Seeders; and

An act for the benefit of the Boone Academy.

Mr. Parks presented the petition of Edmund Martin, praying that a law may pass, to change the state road leading through the counties of Nicholas and Fleming, to the mouth of Big Sandy, where the same runs through his land, in Nicholas county; and also, a petition counter thereto.

Which petitions were received, read, and referred to the committee of internal improvements.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the wife and children of William Green, a lunatic; and

An act to authorise the circuit court of Jefferson to appoint commissioners, to investigate the affairs of the Commercial Bank at Louisville,

Reported the same with the following resolution thereon, viz:

*Resolved*, That the said bills ought not to pass;

Which was twice read and concurred in; and so the said bills were disagreed to.

Mr. Wickliffe, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Gabriel Gaines' heirs.
2. An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county; and
3. An act to change the constable's district in the 1st battalion and 88th regiment, K. M., and to change a constable's district in the county of Estill,

Reported the same without amendment.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the second and third bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Cunningham, from the committee of privileges and elections, to whom was referred a bill from the House of Representatives, entitled, an act to regulate election precincts in certain counties, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Clark, from the committee of internal improvements, to whom was referred bills from the House of Representatives, entitled,

An act to authorise the erection of gates, across that part of the old Iron-works road between the houses of Andrew Gudgel and John Harper, in Bath county; and

A bill to appropriate a part of the vacant land lying between Walker's line and the latitude 36° 30' North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksboro' and Barboursville,

Reported the said bills with amendments; which were twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the latter being engrossed,

*Resolved*, That the said bills do pass, and that the title of the latter be as aforesaid; and that the the title of the former be, an act authorising the county courts of Bath, Fleming and Franklin, to permit gates to be erected across certain roads.

Mr. W. Owsley, from the committee to whom was referred a bill to amend the law, regulating proceedings in cases of eject-

ment, and forcible entries and detainers, reported the same with an amendment; which was twice read and concurred in.

The said bill was placed in the orders of the day, and the public printer was directed to print one hundred and fifty copies thereof, for the use of the General Assembly.

Mr. Beatty, from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Badger, reported the same without amendment.

*Ordered*, That the said bill be read a third time,

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Beatty, from the committee to whom was referred a bill, providing for the copying and preserving certain record books, belonging to the office of the surveyor of Harlan county, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Parks, from the committee to whom was referred a bill to authorise the county court of Jessamine to erect gates across certain roads, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be, an act to authorise certain county courts to permit gates to be erected across public roads.

On the motion of Mr. Guthrie, leave was given to bring in a bill, to prevent the circulation of certain bank notes; and Messrs. Guthrie, Owsley and Clark, were appointed a committee to prepare and bring in the same.

On the motion of Mr. Sisk, leave was given to bring in a bill, to authorise the clerk of the county court of Hopkins to transcribe the records thereof, from the year 1807 to 1810, inclusive, in a well bound book; and Messrs. Sisk, Griffith and James, were appointed a committee to prepare and bring in the same.

Mr. Beatty read, and laid on the table, the following resolution, viz:

Whereas, it is represented to the General Assembly of the Com-



monwealth of Kentucky, that the subject of internal improvements has been discussed before the good people of this commonwealth, for several years past: and they have, by their votes at the polls, given their sanction and consent to the importance and utility of the policy, by electing to the legislature of this state, (for two or more years back,) large majorities friendly to that policy: and the crisis has arrived, when the people look to their representatives to act efficiently on that subject. Therefore,

*Be it resolved, by the General Assembly,* That a joint committee be appointed, composed of six members from the Senate and twelve from the House of Representatives, whose duty it shall be to digest, and report to the General Assembly, some practicable plan or system of internal improvements, calculated to give the most general satisfaction, without embarrassing to much the disposable funds of the state: and that they have leave to report by bill or otherwise.

*Resolved further,* That said committee shall be composed of members chosen, as nearly as may be, from those parts of the state through which navigable streams and the most useful public highways pass.

*Resolved further,* That said committee have leave to set, and adjourn from day to day, and report to each house the number and locality of the public highways and navigable streams most deserving the attention of the legislature, and upon which appropriations ought to be made.

On the motion of Mr. Wickliffe,

*Resolved,* That the committee of courts of justice enquire into the propriety of providing, by law, for the location of the Lexington and Ohio Rail Road, in towns and cities through which it may pass, from Lexington to the Ohio river:

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley, from the committee of courts of justice—

1. A bill to amend the law concerning champerty.

By Mr. Clark, from the committee on internal improvements—

2. A bill declaring Nolin a navigable stream.

By Mr. Hardin—3. A bill to divide this state into congressional districts.

By Mr. Boyd—4. A bill to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements for Shelby county, and for other purposes; and

By Mr. Wood—5. A bill for the benefit of the head-right and Tellico settlers.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second and fourth bills having been dispensed with.

the second was laid on the table, and the fourth was referred to the committee of finance.

The rule of the Senate, constitutional provision, and second and third readings of the first and fifth bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That the public printer print one hundred and fifty copies of the third bill, for the use of the General Assembly.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to change the first constable's district in Washington county.

An act to change the name of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.

An act regulating the ferry at the mouth of the Big Kentucky river, in Gallatin county.

An act for the benefit of Jeffersontown.

An act supplemental to an act, for the benefit of the sheriff of Garrard county.

An act adding Edmonson county to the sixth judicial district, and for other purposes.

An act repealing an act, declaring Dick's river navigable.

An act for the relief of jailors; and

An act to legalise the proceedings of the Greenup county court, at their last November term.

That said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

The Senate took up the resolution for a recess of the General Assembly, read and laid on the table by Mr. Thornton yesterday.

Mr. Fleming moved to lay the said resolution on the table till the 26th instant, and the question being taken thereon, it was decided in the negative.

The yeas and nays being required, by Messrs. Fleming and Thornton, were as follows, viz:

YEAS—Messrs. Bibb, Fleming, Gholson, Murrell, H. Owsley, Payne, Rudd, Sisk, Wood—9.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, George, Griffith, Guthrie, Hardin, James, Murray, W. Owsley, Parks, Rodman, Taylor, Thompson, Thornton, Wickliffe, Wingate—23.

The said resolution was then amended by striking out "Friday," and inserting in lieu thereof "Saturday."

Mr. Wickliffe moved to strike out "Thursday," and insert "Monday week."

Mr. Fleming called for a division of the question; and the question being taken on striking out "Thursday," it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Churchill, Clark, Cunningham, Dougherty, George, Guthrie, Hardin, Murray, Parks, Rodman, Taylor, Thompson, Thornton, Wickliffe, Wingate—19.

NAYS—Messrs. Bibb, Dejarnatt, Fleming, Gholson, Griffith, James, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Sisk, Wood—13.

The question was then taken on inserting "Monday week," and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wood and George, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Brown, Clark, Dougherty, George, Guthrie, Hardin, Murray, H. Owsley, Parks, Rodman, Taylor, Thompson, Thornton, Wickliffe, Wingate—17.

NAYS—Messrs. Bibb, Boyd, Churchill, Cunningham, Dejarnatt, Fleming, Gholson, Griffith, James, Murrell, W. Owsley, Payne, Rudd, Sisk, Wood—15.

The question was then taken on adopting the said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Clark, Dougherty, George, Guthrie, Hardin, Murray, H. Owsley, Parks, Rodman, Taylor, Thompson, Thornton, Wickliffe, Wingate—18.

NAYS—Messrs. Bibb, Churchill, Cunningham, Dejarnatt, Fleming, Gholson, Griffith, James, Murrell, W. Owsley, Payne, Rudd, Sisk, Wood—14.

A bill from the House of Representatives, entitled, an act for the benefit of Eliza Badger, was read the third time, as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Eliza Badger and Robert N. Badger, her husband, so far as the said Eliza is bound thereby, be, and the same is, hereby dissolved: and the said Eliza Badger shall, in all things, hereafter be considered an unmarried woman.

And the question being taken on the passage of the said bill, it was decided in the negative: and so the said bill was disagreed to.



The yeas and nays being required thereon, by Messrs. Hardin and Fleming, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Dejarnatt, Dougherty, Fleming, George, James, Murray, H. Owsley, Parks, Rodman, Sisk, Wingate—15.

NAYS—Messrs. Brown, Churchill, Clark, Cunningham, Gholson, Griffith, Guthrie, Hardin, Murrell, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wood—17.

Bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Nancy Williams; and

An act for the benefit of Susannah Johnson,

Were read the third time; and the question being on the passage thereof, it was decided in the negative; and so the said bills were disagreed to.

A bill from the House of Representatives, entitled, an act to legalise the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes, was read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills from the House of Representatives, were severally read the first time, and ordered to be read a second time, viz:

1. An act for the benefit of Stephen and Caty Sampson.

2. An act for the benefit of John Smith and Bartlett Hill.

3. An act to allow the Independent Banks of this commonwealth further time to settle their concerns.

4. An act to change the place of voting in an election precinct, in Montgomery county, from Robert Gay's to John L. Martin's, and for other purposes; and

5. An act to change the time of holding the Spencer circuit and county courts, and the county court of Shelby.

The rule of the Senate, constitutional provision, and second reading of the first and second bills having been dispensed with; the first was referred to the committee of religion; and the second to the committee of finance.

The rule of the Senate, constitutional provision, and second and third readings of the third, fourth and fifth bills, having been dispensed with, and the fifth having been amended,

*Resolved*, That the said bills do pass, the fifth as amended, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

## WEDNESDAY, DECEMBER 19.

The Senate assembled.

Mr. Churchill presented the petition of Mary Dulin, praying that a law may pass, authorising the sale of two small tracts of land, belonging to her daughter, Nancy Dulin, an idiot.

Which was received, and referred to the committee of courts of justice.

On the motion of Mr. Wickliffe, the committee of courts of justice was discharged from the further consideration of the petition of sundry citizens West of the Tennessee river, praying that a law may pass, authorising some uniform system for correcting the errors in the surveys West of the Tennessee river.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill for the benefit of Halbert McClure and William Fish, of Rockcastle county, reported the same with the following resolution thereon, viz:

*Resolved,* That the said bill ought not to pass;

Which was twice read and concurred in; and so the said bill was rejected.

Mr. Wickliffe, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorise the recording of deeds, remaining unrecorded, in the clerk's office of the Logan county court, at the death of the late clerk, reported the same without amendment.

*Ordered,* That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved,* That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had adopted a resolution from the Senate, for a recess of the General Assembly; that they had passed a bill from the Senate, entitled, an act continuing in force the law, providing for the appointment of commonwealth's attorneys, with an amendment; the said amendment was twice read and concurred in.

That they had also passed bills of the following titles, viz:

An act for the benefit of Dorcas Worley; and

An act for the benefit of Tabitha D. Price.

Mr. Wickliffe, from the committee of courts of justice, reported a bill to provide for the location of the Lexington and Ohio Rail Road through the city of Louisville, and for other purposes; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with: it was placed in the orders of the day, and the public printer directed to print

one hundred and fifty copies thereof for the use of the General Assembly.

Mr. Clark, who voted in the majority, moved to reconsider the vote by which a bill from the House of Representatives, entitled, an act for the benefit of Eliza Badger, was disagreed to.

The said motion was laid on the table.

A bill from the House of Representatives, entitled, an act for the benefit of Israel Rose, was read the second time, and referred to the committee of religion.

A bill to dissolve the Lexington Seminary, and to vest the funds of the institution in the mayor and council of the city of Lexington; was read the second time, and referred to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act for the benefit of Gabriel Gaines' heirs, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, and ordered to be read a second time, viz:

1. An act to establish an election precinct in Barren county.
2. An act for the benefit of Benjamin Robison.
3. An act for the divorce of Polly Rains.
4. An act to legalise the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.
5. An act to authorise the establishment of a road, from Harrodsburg to the Lexington road from Bardstown, and for other purposes.
6. An act to amend, and reduce into one, the several acts concerning the town of Augusta, in Bracken county.
7. An act for the benefit of George Coleman and others.
8. An act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county.
9. An act for the benefit of the jailor of Logan county.
10. An act for the benefit of Bowling Thompson.
11. An act for the relief of James Cole.
12. An act for the divorce of Temple West.
13. An act for the benefit of Polly Seeders; and
14. An act for the benefit of the Boone Academy.

The rule of the Senate, constitutional provision, and second reading of the first, second, third, fourth, fifth, sixth, eighth, tenth, eleventh, twelfth and thirteenth bills, having been dispensed with; the first was committed to a committee of Messrs. Murrell, Payne and Bibb; the second, third, tenth, eleventh, twelfth and thirteenth, to the committee of religion; the fourth and sixth, to the committee of courts of justice; the fifth, to a committee of Messrs. Hardin,



W. Owsley, Thompson and Rudd; and the eighth, to the committee on internal improvements.

The rule of the Senate, constitutional provision, and second and third readings of the seventh and fourteenth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill to divide this state into congressional districts, was read the second time.

And then the Senate adjourned.

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*THURSDAY, DECEMBER 20.*

The Senate assembled.

Mr. Beatty presented the remonstrance of sundry citizens against the formation of a new county out of parts of the counties of Cumberland, Wayne and Russell; and

Mr. Guthrie presented the petition of A. P. How and Matilda How, his wife, praying that a law may pass divorcing them from each other.

Which were received and referred: the former to the committee of propositions and grievances; and the latter to the committee of religion.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county, reported the same without amendment.

*Ordered*, That the said bill be read a third time, as amended.

A message was received from the House of Representatives, announcing the concurrence of that house in the amendments proposed by the Senate to bills, which originated in that house, of the following titles, viz:

An act to amend the laws concerning the Lunatic Asylum.

An act for the benefit of Allen Taylor.

An act to regulate election precincts in certain counties.

An act to authorise the erection of gates across that part of the old Iron-works road, between the houses of Andrew Gudgel and John Harper, in Bath county; and

An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

And that they had passed bills of the following titles, viz:

An act to establish a road from Louisville to the state line, in a direction to Knoxville.

An act to authorise the sale of certain lands of Edmund H. Taylor.

An act to connect the towns of Newport and Covington with Cincinnati by a bridge.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Clark, from the committee of internal improvements—A bill appropriating certain lands for improving the Cannon creek road, in Harlan county; and

By Mr. Guthrie—A bill to prevent the circulation of certain bank notes.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the latter, and second and third readings of the former bill, having been dispensed with, and the same being engrossed; the latter bill was referred to the committee of courts of justice.

*Resolved*, That the former bill do pass, and that the title thereof be as aforesaid.

Mr. Fleming moved for leave to bring in a bill to change the time of meeting of the General Assembly; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required, by Messrs. Fleming and Beatty, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Fleming, Guthrie, James, H. Owsley, W. Owsley, Parks, Payne, Rudd, Sisk, Taylor, Thompson, Thornton—22.

NAYS—Messrs. Dougherty, George, Gholson, Griffith, Hardin, Murray, Murrell, Rodman, Wickliffe, Wingate, Wood—11.

Messrs. Fleming, Beatty and James, were appointed a committee to prepare and bring in the said bill.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe,

1. A bill to authorise the commutation of the punishment of petit larceny, and for other purposes.

On the motion of Mr. Wingate,

2. A bill to enlarge and explain the powers of the trustees of Frankfort.

On the motion of Mr. Beatty,

3. A bill to repeal the law now in existence, in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements.

On the motion of Mr. Churchill,

4. A bill to regulate the issuing of executions in certain cases; and

On the motion of Mr. W. Owsley,

5. A bill to allow the sheriff of Madison to return his delinquent list in certain cases.

The committee of courts of justice was directed to prepare and bring in the first; Messrs. Wingate, Rodman and Dougherty, were appointed a committee to prepare and bring in the second; Messrs. Beatty, Churchill and Bibb, the third; Messrs. Churchill, Griffith and Thornton, the fourth; and Messrs. W. Owsley, Dejarnatt and George, the fifth.

Mr. Beatty read, and laid on the table, the following resolutions, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives requested, to apply for, and use their best exertions to obtain, an appropriation from the general government, for the purpose of opening and improving the navigation of the Cumberland river, from the mouth of Laurel river downwards, and also for the opening and improving the navigation of the Kentucky river, the opinion of the President of the United States, that it is unconstitutional to appropriate money from the general government for the purpose of opening and improving navigable streams above ports of entry, to the contrary notwithstanding.

*Be it further resolved,* That the Governor of this state be requested to send copies of this resolution to our Senators and Representatives in Congress.

Mr. Fleming read, and laid on the table, the following resolutions, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That the resolution for a recess of the General Assembly, passed during the present session, be and the same is hereby rescinded.

*Resolved further,* That when the Legislature adjourns on Saturday next, they will adjourn to meet on Thursday next.

A message was received from the Governor, by Mr. Sanders, secretary of state, announcing that the Governor did, on the 15th instant, approve and sign an enrolled bill, which originated in the Senate, of the following title, viz:

An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county.

He also, on the 18th instant, approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act supplemental to "an act, for the benefit of the sheriff of Garrard county."

An act adding Edmonson county to the sixth judicial district, and for other purposes.

An act to legalise the proceedings of the Greenup county court, at their last November term.

An act repealing "an act, declaring Dick's river navigable."

An act for the relief of jailors.



An act to change the first constable's district in Washington county.

An act to change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.

An act regulating the ferry at the mouth of the Big Kentucky river, in Gallatin county.

An act for the benefit of Jeffersontown.

A bill to divide this state into Congressional districts was taken up, and the first section was amended to read as follows, viz:

SECTION 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That this state be and is hereby divided into thirteen congressional districts, as follows:—The *First District* shall be composed of the counties of Hickman, Calloway, Graves, McCracken, Livingston, Caldwell, Trigg and Union. The *Second District* shall be composed of the counties of Christian, Hopkins, Henderson, Muhlenburg, Butler, Ohio, Daviess and Hancock. The *Third District* shall be composed of the counties of Todd, Logan, Warren, Edmonson, Simpson, Allen, Monroe and Barren. The *Fourth District* shall be composed of the counties of Cumberland, Adair, Russell, Wayne, Pulaski, Rockcastle, Whitley and Casey. The *Fifth District* shall be composed of the counties of Lincoln, Garrard, Jessamine, Mercer and Anderson. The *Sixth District* shall be composed of the counties of Green, Hardin, Hart, Grayson, Breckenridge and Meade. The *Seventh District* shall be composed of the counties of Washington, Nelson, Bullitt and Spencer. The *Eighth District* shall be composed of the counties of Jefferson, Oldham, Shelby and Henry. The *Ninth District* shall be composed of the counties of Madison, Laurel, Knox, Harlan, Clay, Perry, Estill, Pike and Floyd. The *Tenth District* shall be composed of the counties of Clarke, Fayette, Woodford and Franklin. The *Eleventh District* shall be composed of the counties of Montgomery, Bath, Morgan, Lawrence, Greenup, Lewis and Fleming. The *Twelfth District* shall be composed of the counties of Bracken, Mason, Nicholas, Bourbon and Pendleton. The *Thirteenth District* shall be composed of the counties of Scott, Harrison, Grant, Campbell, Boone, Gallatin and Owen.

Mr. Rudd moved to amend the said section, by taking the county of Casey from the fourth district, and adding it to the seventh district.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rudd and Hardin, were as follows, viz:

YEAS—Messrs. Dejarnatt, Dougherty, Guthrie, Murray, Parks, Rodman, Rudd, Sisk, Thompson, Wingate, Wood—11.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell,

Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—22.

Mr. Rudd moved to amend the said section, by taking the county of Bullitt from the seventh district.

The question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rudd and Hardin, were as follows, viz:

YEAS—Messrs. Guthrie, Murray, Parks, Rudd, Sisk, Wingate, Wood—7.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Taylor, Thompson, Thornton, Wickliffe—26.

Mr. Guthrie moved to amend the said section, by taking the county of Henry from the eighth district, and adding it to the thirteenth district.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Guthrie and Hardin, were as follows, viz:

YEAS—Messrs. Dejarnatt, Dougherty, Guthrie, Murray, Parks, Rodman, Rudd, Sisk, Wingate, Wood—10.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—23.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

An engrossed bill, entitled, an act to amend the law regulating proceedings in cases of ejectment, and forcible entry and detainer, was ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act continuing in force the law providing for the appointment of commonwealth's attorneys.

An act to change the time of holding the Lewis circuit court.

An act to authorise the sale of a part of the real estate of Everard Clark, deceased, to pay his debts.

An act for the benefit of Mary Goodwin.

An act for the benefit of the sheriff of Scott county, and for other purposes.

An act to amend an act, requiring tavern keepers, pedlars, and owners of covering horses and jacks, to pay taxes in advance and obtain license, approved December 22, 1831.

An act for the benefit of Louisa Meriwether.

An act for the benefit of James Parish.

An act for the benefit of Dicey Fletcher.

An act for the benefit of John Cook.

An act to regulate the fines and forfeitures of Russell county; and

An act authorising the county courts of Jessamine and other counties to appoint, in their respective counties, additional constables, and justices of the peace.

That the said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

And then the Senate adjourned.

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FRIDAY, DECEMBER 21.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act for the benefit of James Lindsay.

An act for the benefit of Joanna Milner; and

An act for the benefit of Rebecca Hill.

And that they had concurred in the amendments proposed by the Senate to a bill from that house, entitled, an act to change the mode of publishing the decisions of the Appellate Court of this commonwealth, with an amendment; the said amendment was twice read and concurred in.

The Speaker laid before the Senate the following report of the trustees of the Cumberland Hospital, viz:

*To the honorable the Senate and House of Representatives of the Commonwealth of Kentucky:*

We, the undersigned, Trustees of the Cumberland Hospital, again respectfully submit to your honorable body the situation of the Institution at this time, together with an account of its expenditures since our report of 1st November, 1831, which is as follows:



Am't. due John Burnes on 1st. November, 1831, as per report					
	of that date,	-	-	-	\$ 343 35
"	due Dr. D. B. Sanders,	do	do	do	71 65
"	due George Wilson,	do	do	do	14 50
					<hr/>
PAID.					\$ 429 50
Cash	paid John Burnes, for going to Princeton to draw money				
	from the bank,	-	-	-	5 00
"	paid for bill of medicines,	-	-	-	96 91
"	paid Dr. D. B. Sanders for one year's services, ending				
	1st November, 1832,	-	-	-	200 00
"	paid John Kingston, for services rendered in attending				
	the sick during the prevalence of the cholera,	-	-	-	13 20
"	paid Haydock, Ferguson and Olive, bill sundries, fur-				
	nished for the Hospital,	-	-	-	93 33
"	paid D. J. Brown, bill of blankets,	-	-	-	13 20
"	paid Ferguson and Olive's bill, do.	-	-	-	13 20
"	paid Thomas M. Cormick, bill sundries,	-	-	-	46 23
"	paid Dr. S. M. Quettermouse, for his services rendered				
	during the cholera,	-	-	-	50 00
"	paid Ora Drewry, bill of beef furnished,	-	-	-	4 66
"	paid George St. Clair, for attending sick after death of				
	John Burnes, the keeper,	-	-	-	15 00
"	paid John Burnes, in part of amount due him,	-	-	-	415 50
"	paid George St. Clair, for John Burnes,	-	-	-	6 00
					<hr/>
					\$1,401 73
					<hr/>
By amount of appropriation last session,	-				\$1,429 50
"	received from persons in the Hospital,				22 50
					<hr/>
					\$1,452 00
From which deduct amount paid out,	-	-	-	-	1,401 73
Leaves	-	-	-	-	<hr/>
					\$ 50 27
					<hr/>
John Burnes, credit—By boarding and attending pa-					
tients, from 1st Nov. 1831, to 28th Nov. 1832,					
194 and 6-7th weeks, at \$3 per week,					
					\$584 57
By amount of account rendered for washing, bury-					
ing, &c.	-	-	-	-	125 93
					<hr/>
					\$ 710 50
From which deduct cash paid, per charge as above,					\$415 50
Do. for cash paid Geo. St. Clair, as charged above,					6 00
					<hr/>
					421 50
					<hr/>
					\$ 289 00
From which deduct the balance above,	-	-	-	-	50 27
					<hr/>
Leaving the Hospital indebted to John Burnes, deceased, all					
other accounts being settled and closed,					
					\$ 238 73

In tendering this report we would observe, that owing to the numerous cases of cholera, which prevailed among those employed in the navigation of the rivers, many of which came under our notice, our expenses, in consequence thereof, have been somewhat increased, and the hospital, for short intervals, filled to the extreme: during which time, Mr. Burnes, the keeper, died with the disease, and Mr. George St. Clair, who was afterwards employed, also died in a few days after Mr. Burnes. It was then with difficulty that any person could be procured to attend the sick; and additional medical aid being necessary, the trustees deemed it their duty to employ Dr. Samuel M. Quertermouse to assist in that department, and have allowed him the sum of fifty dollars, as per charge in the foregoing statement.

The trustees being now out of funds to defray the expenses of the institution, and indebted to John Burnes, deceased, as per statement above, have been compelled either to close the doors of the house against the wants of the afflicted, or devise some plan of conducting the establishment until the assemblage of the Legislature, before whom the situation of the institution might be made known. They have, therefore, thought prudent to procure a person to take charge of the house and attend to the sick, and for that purpose have engaged Mr. Ora Drewry: and have also engaged Drs. Sanders and Quertermouse, as attending physicians; all of whom are to rely upon further appropriations for the support of the institution. The number of persons received into the Cumberland Hospital, from the 1st of November, 1831, to the 28th of November, 1832, is fifty-six.

Having, in the foregoing, shewn the situation of the institution, we would now ask of you a further appropriation of the sum of fifteen hundred dollars, to pay the balance due John Burnes, deceased, and defray the expenses of the hospital the ensuing year. This we conceive to be about what will probably be required.

Which we respectfully submit to your consideration,

JOSEPH HAYDOCK,  
RICHARD OLIVE,  
THOMAS WILLIS,  
THOMAS M. CORMICK,  
D. I. BROWN.

*Ordered,* That the said report be referred to the committee of finance.

An engrossed bill, entitled, an act to divide this state into congressional districts, was read the third time.

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rudd and George, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—23.

NAYS—Messrs. Dougherty, Guthrie, Murray, Parks, Rodman, Rudd, Sisk, Thompson, Wingate, Wood—10.

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Brown presented the petition of Mary Richardson, praying a divorce from her husband, Thomas Richardson.

Mr. Churchill presented the petition of Thomas Neill, praying that a law may pass, authorising a patent to issue on a survey of five hundred acres of land, lying on the Rolling fork of Salt river, made in the name of Jacob Myers, deceased.

The said petitions were received and referred; the former to the committee of religion; and the latter to the committee of courts of justice.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Carrollton, in Muhlenburg county, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass;

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Guthrie, from the same committee, to whom was referred a bill to prevent the circulation of certain bank notes, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

Mr. Guthrie, from the committee of propositions and grievances, to whom was referred a bill for the benefit of Sophia Adams, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

Which was twice read and concurred in; and so the said bill was rejected.

Mr. Wood, from the committee of religion, to whom was referred the petition of A. P. How and Matilda How, his wife, praying to be divorced, reported the following resolution thereon, viz:

*Resolved*, That the said petition is reasonable.

Mr. Hardin moved to amend the said resolution, by striking out the words *is reasonable*, and inserting in lieu thereof the words *be rejected*.

And the question being taken on the said motion, it was decided in the affirmative; and so the said petition was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:



YEAS—Messrs. Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Griffith, Hardin, Murray, Murrell, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—19.

NAYS—Messrs. Beaseman, Beatty, Boyd, Dejarnatt, Dougherty, Gholson, Guthrie, James, H. Owsley, Parks, Rodman, Sisk—12.

Mr. Murrell, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in Barren county, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill as amended, do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

On the motion of Mr. Wickliffe,

*Resolved*, That the committee of courts of justice enquire into the propriety of repealing or amending the law allowing the circuit courts to decree divorces, and of amending the laws allowing alimony.

Leave was given to bring in the following bills, viz:

On the motion of Mr. W. Owsley,

A bill to amend the law regulating the manumission of slaves.

On the motion of Mr. Campbell,

A bill for the benefit of the Cumberland Hospital.

Messrs. W. Owsley, Wickliffe and Guthrie, were appointed a committee to prepare and bring in the first; and Messrs. Campbell, James and Sisk, the second.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe, from the committee of courts of justice—1. A bill to permit the sale of two small tracts of land, belonging to Nancy Dulin, an idiot.

2. A bill for the benefit of the devisees of Richard Shanklin.

3. A bill to provide for the commuting of the punishment of petit larceny, and for other purposes.

By Mr. Guthrie, from the committee of propositions and grievances—4. A bill to add a part of the county of Oldham to the county of Shelby.

By Mr. Wingate—5. A bill to enlarge and explain the powers of the trustees of the town of Frankfort.

By Mr. W. Owsley—6. A bill to allow the sheriff of Madison to return his delinquent lists in certain cases.

By Mr. Churchill—7. A bill to regulate the issuing of executions in certain cases.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the seventh bill having been dispensed with, it was referred to the committee of courts of justice.

The rule of the Senate, constitutional provision, and second and third readings of the first, second, fifth and sixth bills, having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That the public printer print one hundred and fifty copies of the third bill, for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act for the benefit of the jailor of Logan county, was read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to authorise the sale of certain lands of Edmund H. Taylor.

2. An act to establish a road from Louisville to the state line, in a direction to Knoxville.

3. An act for the benefit of Dorcas Worley; and

4. An act to connect the towns of Newport and Covington with Cincinnati, by a bridge;

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second bill having been dispensed with; it was committed to the committee on internal improvements.

The rule of the Senate, constitutional provision, and second and third readings of the third bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe moved, that the further consideration of the orders of the day be dispensed with, and that the Senate, according to the standing order of the day, resolve itself into a committee of the whole house, on the state of the commonwealth.

The question being taken on said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Gholson, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Fleming, Griffith, James, H. Owsley, W. Owsley, Parks, Payne, Thompson, Wickliffe, Wingate—12.

NAYS—Messrs. Beaseman, Bibb, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Guthrie, Hardin, Murray, Murrell, Rodman, Sisk, Taylor, Thornton, Wood—20.

A bill from the House of Representatives, entitled, an act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county; was read a third time as amended.

*Resolved*, That the said bill do pass, and that the title thereof be, an act to authorise Edward Turner to erect a mill and dam on the middle fork of the Kentucky river, in Clay or Perry county.

A bill from the House of Representatives, entitled, an act for the benefit of James Lindsay; was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with: it was committed to the committee of finance.

And then the Senate adjourned.

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*SATURDAY, DECEMBER 22.*

The Senate assembled.

On motion, leave of absence, for this day, is granted to the Clerk.

The Governor, by Mr. Secretary Sanders, made a communication to the Senate, which, with the accompanying documents, were taken up and read, as follows, viz:

GENTLEMEN OF THE SENATE,

AND OF THE HOUSE OF REPRESENTATIVES:

I TRANSMIT for your consideration certain documents, received on the 19th instant, under cover from the executive of South Carolina. The first in the series is the report of the committee of twenty-one to the convention of the people of South Carolina, on the subject of the several acts of congress imposing duties for the protection of domestic manufactures. The second is an Ordinance, by a convention of the state of South Carolina to nullify certain acts of the congress of the United States, laying duties and imposts on the importation of foreign commodities. The third is an address to the people of South Carolina, by their delegates in convention. The fourth is an address to the people of the United States by the convention of the people of South Carolina.

These papers, gentlemen, present considerations of grave import to the legislature and people of Kentucky. I ask of you to give the subject a candid and dispassionate examination; it is one of no ordinary magnitude; it presents an epoch in the history of our government that may fix its destiny. It becomes us all to approach it as involving the



perpetuity of our union; as calculated to test the strength of our republican government.

You will discover from the ordinance, that the convention assumes the following ground: "We, therefore, the people of the state of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States; and more especially an act entitled, an act in alteration of the several acts imposing duties on imposts, approved on the 19th May, 1828; and also an act entitled, an act to alter and amend the several acts imposing duties on imports, approved on the 14th July, 1832; are unauthorised by the constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon the state, its officers, or citizens; and all promises, contracts and obligations, made or entered into, with purpose to secure the duties imposed by the said acts; and all judicial proceedings, which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void." "That it shall not be lawful for any of the constituted authorities of this state, or of the United States, to enforce the payment of duties, imposed by its acts, within the limits of this state; but it shall be the duty of the legislature to adopt such measures, and pass such acts as may be necessary to give effect to this ordinance, and to prevent the enforcement and arrest the operation of said acts."

The assumption of power by a single state to declare void the acts of the congress of the United States, to forbid their execution within its limits; to disfranchise all her own citizens, who will not join in the crusade, and punish those who may aid in sustaining the constituted authorities of the country; and, as is intimated, to fine and imprison the officers of the general government for obedience to their constitutional obligations and oaths; and to enforce the whole, as is further suggested, by a state army, is such a palpable infraction of the federal constitution, so destructive to the union of this republic, and so subversive of all good government, that I need not, I am sure, urge upon you the necessity of prompt action on your part. The advocates of liberal principles throughout the world, will look with anxious solicitude to the result. It therefore becomes us to save ourselves by taking such steps as will preserve the union, perpetuate and transmit to posterity unimpaired our constitutional freedom and privileges, and demonstrate to the world that man is capable of self government. It is deemed proper that our sister state

should know what is the opinion of the people of Kentucky in relation to the subject presented, as soon as our voice can be made to reach her public authorities and citizens.

GENTLEMEN—Let us say to the people of South Carolina, that we regret exceedingly the state of things that has arisen. That the people of Kentucky will do all that they can, consistently with their honor and a just view of the constitution, to allay the excitement. That they will contribute to an amicable adjustment of the tariff upon principles of mutual forbearance and concession. In fine, that they will, as far as they are concerned, drain the cup of conciliation before ulterior measures are taken. But we cannot surrender and yield this fine fabric of government, the result of the wisdom of our ancestors, so well calculated to contribute to the harmony, happiness and prosperity of the American people. We cannot agree that a single state has a right, constitutionally, to nullify an act of congress. Whence is the right derived? If it be a peaceful, constitutional mode of redressing wrongs, supposed or real, the constitution itself must point it out. Is it to be found there? We think it cannot, even by implication. To suppose that such a right was reserved by each of the states, is at war with the design and object of those distinguished statesmen who formed our present constitution; is inconsistent with the first principles of government,—obedience to the laws made by the constituted authorities, and power to enforce that obedience when refused.

In vain did our ancestors gird on their armour, march to the field of battle, and mingle their blood with the dust of the valley, if, when the struggle is over, and a constitution formed, the continuity of the government is made to depend upon the will of any *one* of the twenty-four states.

The government first formed for our rule, was a confederation of the thirteen states—a union of sovereignties. Experience soon pointed out the necessity of a change; there had not been power conceded to the government of the confederacy equal to its exigencies. The states, whether large or small, had an equal voice in congress. Two-thirds were necessary to the passage of laws. The states were required to furnish their quotas of money, men, &c. for the use of the nation; but the general government had no authority to enforce a compliance with those demands. It may safely be affirmed, that a government thus organised could not long exist. The states became jealous of each other. New-York was unwilling to allow to Delaware as much power as she had. The states often delayed a compliance with the requisitions of congress; nor did the government possess energy enough to command respect at home or abroad. Public credit sunk, without the ability to

restore it. There was no unity of action in the several states, so essential in all governments.

Thus, with the defects in the administration of our own government, the monitory lessons derived from history, in relation to the government and fate of the republics of other countries before them, the members of the convention formed our present constitution with a view to avoid the errors that had proved so fatal to the existence of other republics. Happily, indeed, did they succeed. The anarchy of a democracy was avoided; the corruption of an aristocracy negatived, and the power of a monarchy checked and controuled. A representative republican government was formed, with certain fixed powers delegated to congress, certain rights reserved to the states—so organized in its various departments that each acts as a check upon the other, and the whole controuled by the majesty of the people's will.

Among the powers thus expressly delegated, we find that "congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defence and welfare of the United States." In virtue of that express power, congress has, upon many occasions, commencing almost with the date of the constitution, up to the present year, exercised it. The laws thus enacted by the constituted authorities of the union, are now, according to the views of a *majority of the convention of the state* of South Carolina, annulled and nullified, by an ordinance of their convention: and as they say, in a peaceful constitutional mode. To concede that they have such a right, would be admitting that the distinguished statesmen who gave us the constitution, had profited but little by the history of other confederacies. It would not have been admissible under our first imperfect association of states. In the United Netherlands one state had a right to put a negative upon questions presented for enactment, in the states general; so was it in the Polish diet; but it is not to be found in the history of the republics of Greece or any other, ancient or modern, that a single state or sovereignty, had a *right* to nullify a solemn act of its federative government.

It may be asked, what is to be done in the event a state becomes dissatisfied? The answer is at hand. Look into the constitution. If it be insisted that too much power has been delegated to the general government, pursue the mode pointed out for amendment; and if the requisite number of states concur, the supposed evil will be remedied. Again—if it be contended that a given law is unjust in its operation, appeal to the intelligence and patriotism of the people; present remonstrances to the congress of the United States, and endeavor to have it repealed or



modified. And, here let me remark, that our brethren of South Carolina have *good reason* to anticipate an alleviation of what they regard so onerous a burden. They have their constitutional share in the administration of the general government; they have distinguished and able men on the floor of each house of congress,—*and*, have they not discovered a manifestation to reduce the tariff to a rate that may be about equal to the necessary expenditures of government. Much has already been done upon the subject. During the last four years duties have been repealed equal to six or seven millions of dollars. The President of the United States, in his late message, has presented the matter again to the consideration of congress, and recommended a further reduction. May we not, with some degree of confidence, say to South Carolina—wait: stay the effort about to be made, and the tariff may still be modified in a way that will be satisfactory; do not hasten the dread crisis. Remember the deeds of valor of your ancestors, their privations and sufferings in the revolutionary struggle, and the distinguished part they bore in the formation of our government. The memory of the Pinckneys, of Laurens, and of Hayne, of Moultrie, Sumpter and Marion, will long be cherished by every American patriot. *And above all*, remember the maxim adopted by our fathers—“*United we stand, divided we fall.*” *They* acted upon that maxim, solemnly impressed with its truth: and will their descendants put their negative upon it? I hope not. I cannot yet believe, that our friends of South Carolina will put to hazard the many blessings secured to us, by our present form of government. *Urge them not to dally upon the BRINK of the precipice.*

We are told that the remedy is a peaceful one, that it is a constitutional mode. I am at a loss to understand how that is possible. It is a solecism manifest, that a state can be covered with the panoply of the constitution, and at the *same time* be acting against it. The attitude of a peaceable quiet citizen yielding obedience to the laws emanating from the constituted authorities, is very different from that of one who bids defiance to their execution, and take the remedy into his own hands, declaring himself the proper judge of their justice and propriety. Allegiance and non-allegiance are repugnant, and not apposite to each other. “He that is not for me, is against me.”

But why this sounding of the note of preparation for war on the part of South Carolina—the proposed organization of two thousand men for the defence of Charleston and its dependencies, and of ten thousand troops, called “the state guard?” Do not such acts prove that the remedy is any thing else than a “peaceful one;” that it is warlike? Call the course pursued by what name you will, *facts* are not to be disguised.

It will, if persisted in, result in civil war with all its horrors, which God, in his infinite mercy, avert! Why, if nothing else was intended but a peaceable remedy, this rapid succession of important events in South Carolina? The state elections in October; an extraordinary meeting of the legislature in November, to pass a law authorising a convention of the people; the election held; the members meet; the ordinance adopted, virtually declaring a severance of the union; a meeting of the legislature *again*, all in the same month; and a recommendation, by the Governor, to pass such laws as may be necessary to carry the ordinance into effect; to raise and equip troops to be under the control of the *state*; to authorise him to issue clearances to vessels, in case the revenue officers should insist upon the observance of the laws; to request the general government to remove the United States' troops from the citadel at Charleston. Why this manifest disposition to be on the alert! This solicitude displayed by the celerity of those movements to bring the crisis to its climax? Let us again admonish our friends—do not hasten—wait, and interchange opinions with other states and with the general government.

Why make the communication (herewith sent,) to each of the states of the union, if the fatal step is to be taken before sufficient time has elapsed to receive an answer? Surely, the new attitude about to be assumed by South Carolina, cannot be so desirable as to call for such precipitation. An attitude that exhibits the extraordinary spectacle of a single state attempting to nullify that which has received the sanction of congress, and of the executive, and of the judiciary of the whole union.

But the question made by the people of South Carolina in relation to the tariff is so intangible, and so difficult of being brought to any certainty by any known rule, that it is not easy to come to any conventional arrangement in regard to it. They admit the power of the general government to lay duties on foreign importations, but deny that those duties can be laid "with a view to protect the domestic manufactures of our country." If the motives of a measure are to fix its constitutionality, how are they to be ascertained? One state might resolve that a given duty upon an article would be protective in its character, another might think otherwise; a duty that some years ago might have been regarded as protective, may not be so now: and thus it is, that the cohesion of this American government is made to depend, according to the view of South Carolina, upon the single fact, whether a law laying imposts has in it a single clause of a protective character, whether a duty is too high or too low—whether this article, that, or the other is selected or omitted in the scale; and who, I ask, is to decide the question? The congress of the United States, and the executive of the nation, to whom the subject properly be-

longs? No. A majority of the people of South Carolina, or of any other state, however small, according to this new theory. Thus it is, that a single state might dictate to the whole general government, and to the twenty-three other states. Can any one believe that intelligent statesmen, such as formed the constitution, would have consented to such a right—that they would have given to posterity a form of government, with a texture so fragile? infinitely worse than the confederation itself.

It is not important to enquire, whether ours be a government of the *states* or of the *people*; for, whether of the one or the other, the right claimed by South Carolina cannot be conceded. Whatever has been reserved to the states they must be permitted to enjoy; but that which has been granted to the general government must be under its direction. As relates to those powers, the exercise of which is given *exclusively* to the general government, the states, as sovereignties, have no negative, acting individually, as respects those powers delegated, requiring a conjoint action of the general and state governments, the states act in their sovereign capacities: as is the case in the mode of calling forth the militia into active service. There, requisition is made upon the states to send forth their quotas; they appoint and commission the officers; organise the corps, and place it under the general government. In the execution of that branch of power, we have seen that difficulties and embarrassments attended it, even in the history of our own government during the last war; and that such will often be the case where the action is joint, is fully proven by the history of other republics. If the measures of the government have been retarded and embarrassed, in cases where the constitution requires joint action with the states, is it proper to allow to a state to place its negative upon the exercise of a power *expressly* delegated. Suppose it was deemed proper by the functionaries of the general government, to declare war against a foreign power, and a single state was to resolve that although congress have the express power over the matter, yet the *cause* was not sufficient,—the  *motive* that induced the action of the government was not a legitimate one,—therefore unconstitutional, void, and of no effect—We will annul it; we will imprison the officers of the nation who will dare to give allegiance to their government; we will swear our officers of the state so to regard it, our jurors so to decide it; and if all that will not do, we will raise an army of our state, to enforce the opinions we entertain. What, I ask, would the people of Kentucky say? Always patriotic, they would answer as they did in the last war—*We make no such question, when our country calls by her constituted authorities; we go, whether it be to Canada, to the North West, to New Orleans, or elsewhere; we are for the field; we go, for our country, our whole country—our united*



country. Will any one, even in this day, conclude in the case stated, that it would be constitutional for a state to assume the attitude described? I think not. The effort would be as legitimate as the one now making in South Carolina; the authority is delegated with as much certainty and precision to congress, in the one case as in the other.

It is desirable, gentlemen, that our sister states should be informed, what is believed to be the fact, that, while Kentucky is ready to relieve her from all just ground of complaint, she will not permit this union, which protects us in the enjoyment of so many blessings, civil and religious, to be torn asunder for any cause. Her infant blood flowed freely to extend the settlements in the frontiers; and both the North and the South can bear witness that, although her position shielded her from invasion, her gallant sons, during the late contest with Great Britain, were forward to meet toil, privation, and all the horrors of savage, as well as civilized warfare, to maintain the dignity and assert the rights of our common country.

She cannot consent that her treasure and her blood shall have been expended in vain—she cannot consent that a sister state shall give to our children waters of bitterness to drink.

It is considered proper that the general government, and each of our sister states, should clearly understand the course which a deep sense of duty will require Kentucky to take. I therefore recommend, that your opinions be embodied in a series of resolutions; that you disapprove of the revolutionary doctrines contained in the ordinance communicated; that if, after all has been done that can be, towards a reconciliation of this unpleasant, unnatural controversy, and if South Carolina shall resort to force, and resist the execution of the laws named, or make a violent attempt to sever herself from the union, that the people of this state will stand upon their duty and their allegiance, and will support the general government in the use of any legal and constitutional means necessary, to prevent the accomplishment of so sad a catastrophe: and that a copy of those resolutions be sent to the Governor of South Carolina, to the President of the United States, the Governors of each of the other states, and to each of our Senators and Representatives in Congress.

JOHN BREATHITT.

*December 21, 1832.*

## DOCUMENTS

## ACCOMPANYING THE GOVERNOR'S MESSAGE.

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IN CONVENTION, COLUMBIA, S. C. }  
November 24th, 1832. }

*Resolved,* That copies of the Ordinance just adopted by this Convention, with the Report thereon, and the Addresses to the people of the several States, and of this State, be transmitted by the Governor to the President of the United States, to be by him submitted to Congress; and also, to the Governors of the several States, for the information of their respective Legislatures. [Attest,]

I. W. HAYNE, *Clerk of the Convention.*

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REPORT OF THE COMMITTEE OF TWENTY ONE TO THE CONVENTION OF THE PEOPLE OF SOUTH CAROLINA, ON THE SUBJECT OF THE SEVERAL ACTS OF CONGRESS, IMPOSING DUTIES FOR THE PROTECTION OF DOMESTIC MANUFACTURES, WITH THE ORDINANCE TO NULLIFY THE SAME.

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## REPORT OF THE CONVENTION.

The committee to whom was referred "the Act to provide for the calling of a Convention of the people of this State," with instructions "to consider and report thereon and especially as to the measures proper to be adopted by the Convention in reference to the violations of the Constitution of the United States, in the enactment, by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes?" beg leave respectfully to submit the following

## REPORT.

The committee, deeply impressed with the importance of the questions submitted to them, and the weight of responsibility involved in their decision, have given to the subject their most deliberate and anxious consideration. In stating the conclusions to which they have arrived, they feel that it is due to themselves, to this Convention, and to the public at large, briefly to review the history of the protecting system in this country; to show its origin, to trace its progress, to examine its character, point out its evils, and suggest the appropriate remedy. They propose to execute this task with all possible brevity and simplicity, sensible that the subject is too well understood in all its bearings to require at this time a very elaborate investigation.

In the natural course of human affairs, the period would have been very remote when the people of the United States would have engaged in manufactures, but for the restrictions upon our commerce which grew out of the war between Great Britain and France, and which led to the non-intercourse act, the embargo, and finally our own war of 1812. Cut off by these events from a free commercial intercourse with the rest of

the world, the people of the United States turned their attention to manufactures, and on the restoration of peace in 1815 an amount of capital had been already invested in these establishments, which made a strong appeal to the liberality,—we might almost say to the justice of the country for protection; at least against that *sudden influx* of foreign goods, which it was feared would entirely overwhelm these domestic establishments. When, therefore, in 1816, it became necessary that the revenue should be brought down to the peace establishment, by a reduction of the duties upon imports, it was almost by common consent conceded to the claims of the manufacturers, that this reduction should be *gradual*; and three years were accordingly allowed for bringing down the duties to the permanent revenue standard, which, embracing all the ordinary expenses of the government, with liberal appropriations for the Navy and the Army, an extensive system of fortifications, and the gradual extinction of the public debt (then amounting to \$130,000,000,) was fixed at 20 per cent. If the manufacturers had at that time even hinted that permanent protection was deemed indispensable to their success,—if the slightest suspicion had been entertained, that instead of the gradual reduction expressly provided for by the act of 1816, there would be claimed a *gradual increase* of the protecting duties, and that instead of being brought down in three years to 20 per cent. the duties were to be carried up to 50 or 100 per cent. and in many cases to prohibition, the painful contest in which the country has been engaged for the last ten years on this subject, would have commenced immediately, and it is confidently believed, that in the temper of the public mind at that time, ample security would have been found against the introduction of such a system. But in defiance of the clear understanding of the whole country, and in violation of the principles of justice and of good faith, that part of the act above mentioned, which required that the duties should be reduced in three years to 20 per cent. was repealed, and a broad foundation thus laid for the permanent establishment of the protecting system. This system has been still further extended and fortified by the several successive acts of 1820, 1824, and 1828, until by the passing of the act of 1832, (to take effect after the discharge of the public debt) it has become incorporated into our political system, as the “SETTLED POLICY OF THE COUNTRY.”

We have not deemed it necessary, in tracing the origin and progress of this system, to go further back than the commercial restrictions which preceded the late war; for, whatever theoretical opinions may have been expressed by Alexander Hamilton and others in relation to it, at an earlier period, it cannot be denied that no duties were actually imposed beyond those deemed indispensable for the public exigencies, and that prior to the year 1816 no protection whatever was actually extended to manufactures, beyond what was strictly incidental to a system for revenue. The *discrimination* between the *protected* and *unprotected* articles now contended for as the very corner stone of the protecting system, was so far from being established by that act, that the highest duties were actually imposed on the very articles now admitted duty free, while the foreign manufactures which came into competition with our domestic fabrics, were subjected to a lower rate of duty. The truth, then, un-



questionably is, that the protecting policy, according to the principles now contended for, was never introduced into this country until the period we have mentioned, when it crept insidiously into the legislation of Congress in the manner above described. This will be made abundantly manifest to every one who will take the pains to trace the progress of the duties from 7½ per cent. in 1790—up to 25 per cent. in 1816—40 per cent. in 1824—and 50, 60, and even 100 per cent. in 1828 and 1832, and who will merely examine the manner in which these duties were adjusted in the various acts here referred to. As early as 1820—so soon, indeed, as the capitalists who had relied on the powers of the Federal Government to enhance the profits of their investments by legislation, began to look forward to its eventual establishment as the settled policy of the country,—they clearly perceived that an extension of the appropriations to objects not embraced in the specific grants of the federal constitution was the necessary appendage of their system. They well knew that the people would not long submit to the levying of a large surplus revenue merely for the protection of manufactures, carried on almost exclusively in one quarter of the Union—and they therefore sought, in the extension of the appropriations to new objects, for a plausible and popular excuse for the continuance of a system of high duties. With that instinctive sagacity, which belongs to men who convert the legislature of a country into an instrument for the promotion of their own private ends, they clearly saw that the distribution of an enormous surplus treasure would afford the surest means of bringing over the enemies of the American System to its support, and of enlisting in their cause not only large masses of the people, but entire States, who had no direct interest in maintaining the protecting system, or who were even in some respects its victims. No scheme that the wit of man could possibly have devised, was better calculated for the accomplishment of this object. It proposed simply to reconcile men to an unjust system of national policy, by admitting them to a large share of the spoils—in a word, to levy contributions, by the aid of those who were to divide the plunder. If the United States had constituted one great nation, with a consolidated government, occupying a territory of a limited extent, inhabited by a people engaged in similar pursuits, and having homogenous interests, such a system would only have operated as a tax upon all the other great interests of the State, for the benefit of that which was favored by the laws, and when time had been allowed for the adjustment of society to this new condition of its affairs, the final result must have been an aggregate diminution of the profits of the whole community by diverting a portion of the people from their accustomed employments, to less profitable pursuits. In such a case, the hope might perhaps have been indulged, that experience would demonstrate the egregious folly of enacting laws, the only effect of which would be to supply the wants of the community at an increased expense of labor and capital. But it is the distinguishing feature of the American System, and one which stamps upon it the character of peculiar and aggravated oppression, that it is made applicable to a CONFEDERACY of twenty-four Sovereign and Independent States—occupying a territory upwards of 2000 miles in extent, embracing every variety of soil, climate, and production,—inhabited by

a people whose institutions and interests are in many respects diametrically opposed to each other,—with habits and pursuits infinitely diversified,—and in the great Southern section of the Union, rendered, by local circumstances, altogether incapable of change. Under such circumstances, a system, which, under a consolidated government, would be merely impolitic, and, so far, an act of injustice to the whole community, becomes, in this country, a scheme of the most intolerable oppression, because it may be, and has in fact been, *so adjusted*, as to operate exclusively to the benefit of a particular interest, and of particular sections of country, rendering, in effect, the industry of one portion of the confederacy tributary to the rest. The laws have, accordingly, been so framed, as to give a direct pecuniary interest to a sectional majority, in maintaining a grand system by which taxes are in effect imposed upon the few, for the benefit of the many; and imposed, too, by a system of indirect taxation, so artfully contrived, as to escape the vigilance of the common eye, and masked under such ingenious devices, as to make it extremely difficult to expose their true character. Thus, under the pretext of imposing duties for the payment of the public debt, and providing for the common defence and general welfare, (powers expressly conferred on the Federal Government by the Constitution) acts are passed containing provisions designed exclusively and avowedly, for the purpose of securing to the American Manufacturers a monopoly in our own markets to the great and manifest prejudice of those who furnish the agricultural productions which are exchanged in foreign markets for the very articles which it is the avowed object of these laws to exclude. It so happens, that six of the Southern States, whose industry is almost exclusively agricultural, though embracing a population equal to only one third part of the whole Union, actually produce for exportation near 40,000,000 annually, being about two thirds of the whole domestic exports of the United States. As it is their interest, so it is, unquestionably, their right, to carry these fruits of their own honest industry, to the best market, without any molestation, hindrance, or restraint whatsoever, and subject to no taxes or other charges, but such as may be necessary for the payment of the reasonable expenses of the government.

But how does this system operate upon our industry? While imposts to the amount of ten or twelve per cent. (if arranged on just and equal principles) must be admitted to be fully adequate to all the legitimate purposes of Government—duties are actually imposed (with a few inconsiderable exceptions) upon all the Woollens, Cottons, Iron and Manufactures of Iron, Sugar, and Salt—and almost every other article received in exchange for the Cotton, Rice, and Tobacco, of the South, equal, on an average, to about 50 per cent. whereby, (in addition to the injurious effects of this system in prohibiting some articles and discouraging the introduction of others) a tax equal to one half of the first cost is imposed upon the Cottons, Woollens, and Iron, which are the fruits of Southern industry, in order to secure an advantage in the home market, to their rivals, the American manufacturers of similar articles, equivalent to one half of their value—thereby stimulating the industry of the North, and discouraging that of the South, by granting bounties to the one, and imposing taxes upon the other.

The Committee deem it unnecessary to go into an elaborate examination of the true character and sectional operation of the protecting system. The subject has of late been so frequently and thoroughly examined, and the bearing of the System been so completely exposed, that the argument is exhausted. To the people of the Southern States, there cannot be presented a more touching or irresistible appeal either to their understandings, or their hearts, than is found in the melancholy memorials of ruin and decay, which are every where visible around us,—memorials proclaiming the fatal character of that system, which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation, which belong only to the most sterile regions, or to the old age and decrepitude of nations. The moral blight and pestilence of unwise and partial legislation, has swept over our fields, with “the besom of destruction.” The proofs are every where around us.

It is in vain for any one to contend that this is a just and equal system, or that the Northern States pay a full proportion of the tax. If this were so, how is it to be accounted for, that high duties are regarded in that quarter of the Union, not as a burden, but as a blessing?

How comes it that a people, certainly not unmindful of their interests, are seen courting the imposition of taxes, and crying out against any material reduction of the public burdens? Does not this extraordinary fact afford conclusive evidence that high duties operate as a bounty to Northern industry; and that whatever taxes the manufacturers may pay, as consumers, they are more than remunerated by the advantages they enjoy as producers?—or, in other words, that they actually receive more than they pay, and therefore, cannot be justly said to be taxed at all!—When, in addition to all this, we take into consideration that the amount of duties annually levied for the protection of manufacturers, beyond the necessary wants of the Government, (which cannot be estimated at less than 10 or 12,000,000) is expended almost exclusively in the Northern portion of the Union,—can it excite any surprise, that under the operation of the Protecting System, the manufacturing States should be constantly increasing in riches and growing in strength, with an inhospitable climate and barren soil, while the Southern States, the natural garden of America, should be rapidly falling into decay. It is contrary to the general order of Providence, that any country should long bear up against a system, by which enormous contributions, raised in one quarter, are systematically expended in another. If the sixteen millions of dollars now annually levied in duties on the foreign goods received in exchange for Southern productions, were allowed to remain in the pockets of the people, or, by some just and equal system of appropriation, could be restored to them, the condition of the plantation States would unquestionably be one of unexampled prosperity and happiness. Such was our condition under a system of free trade, and such would soon again be our enviable lot. Of the results which would thereby be produced, some faint conception may be formed by imagining what would be the effect upon the industry of the people of our own State, if the \$3,000,000 of foreign goods now annually received in exchange for our productions, and paying duties to the amount of upwards of \$3,000,000, could be ob-



trained by us duty free, or the duties thus levied, were expended within our own limits. Is it not obvious that several millions per annum would thereby be added to the available industry of South Carolina? the effect of which would assuredly be, to change the entire face of affairs in this State, by enhancing the profits of the agriculturist, accumulating capital,—giving a fresh impulse to commerce, and producing a vivifying influence upon every department of industry, the happy consequences of which would be experienced by every inhabitant of the State. We present this strong view of the subject to shew the manifest justice of the claim which South Carolina now sets up to have this system of raising revenue, by duties upon imports, *restricted within the narrowest limits*, and to shew how utterly impossible it is for us to consent to have it extended beyond the indispensable wants of the government, either for the purpose of affording protection to the industry of others, or of distributing the proceeds among individuals or States.

Grievous, however, as the oppression unquestionably is, and calculated, in the strong language of our own Legislature, “to reduce the Planter States to **POVERTY** and **UTTER DESOLATION**,” it is not in this aspect that the question is presented in its most dangerous and alarming form. It is not merely that Congress have resorted, for unwarrantable purposes, to an oppressive exercise of powers *granted* to them by the Constitution; but that they have *usurped a power not granted*, and have justified that usurpation on principles, which, if sanctioned or submitted to, must entirely change the character of the Government, reduce the Constitution to a dead letter, and on the ruins of our confederated republic, erect a consolidated despotism, “without limitation of powers.” If this be so, there is no man who is worthy of the precious heritage of liberty derived from our ancestors, or who values the free institutions of his country, who must not tremble for the cause of freedom, not only in this country, but throughout the world, unless the most prompt and efficient measures are at once adopted, to arrest the downward course of our political affairs, to stay the hand of oppression, to restore the Constitution to its original principles, and thereby to perpetuate the Union.

It cannot be denied that the Government of the United States possesses no inherent powers. It was called into being by the States. The States not only created it, but conferred upon it all its powers, and prescribed its limits by a written charter called the Constitution of the U. States.—Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other as the most powerful nations of the world; and in the free and undisputed exercise of that sovereignty, they entered into a solemn compact with each other, by which it was provided, that for certain specified objects, a General Government should be established with strictly limited powers;—the several States retaining their sovereignty unimpaired, and continuing to exercise all powers not expressly granted to the Federal Government.

In the clear and emphatic language of Mr. Jefferson, “the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but by a compact under the style and title of the Constitution of the United States.

they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and whenever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force."\* That such is the true nature of the federal compact, cannot admit of a reasonable doubt, and it follows of necessity, that the Federal Government is merely a joint agency, created by the States—that it can exert no power not expressly granted by them, and that when it claims any power, it must be able to refer to the clause in the charter which confers it. This view of the Constitution of the United States, brings the question of the constitutionality of the Tariff within the narrowest limits.

The regulation of *domestic industry*, so far as Government may rightfully interfere therewith, belonged to the several states before the Constitution was adopted, or the Union sprang into existence; and it still remains exclusively with them, unless it has been expressly granted to the Federal Government. If such a grant has been made, it is incumbent on those claiming under it, to point out the provision in the Constitution which embraces it. It must be admitted, that there is not a clause or article in that instrument which has the slightest allusion, either to manufactures or to agriculture: while, therefore, the "regulation of commerce" is expressly conferred on the General Government, the regulation of every branch of domestic industry is reserved to the several States, exclusively, who may afford them encouragement, by pecuniary bounties, and by all other means not inconsistent with the Constitution of the United States. To say that the power to regulate commerce, embraces the regulation of agriculture, and manufactures, and all the other pursuits of industry, (for they all stand upon the same footing,) is to confound the plainest distinctions, and to lose sight of the true meaning and intent of the grant in question. Commerce is, in general, regulated by treaties with foreign nations; and, therefore, it was deemed necessary, that this power should be confided to the General Government; but agriculture, manufactures, and the mechanic arts, can only be wisely ordered by municipal regulation. Commerce is one object of legislation, manufactures another, agriculture a third; and if the regulation of commerce implies an unlimited control over every thing which constitutes the object of commerce, it would follow, as a matter of course, that the Federal Government may exert a supreme dominion over the whole labor and capital of the country. This would transform our confederated Government, with strictly limited powers, into an absolute despotism, and of the worst sort, where, under the forms of a free Government, we should have the spirit of a despotic one. This view of the subject, we should deem perfectly conclusive, even if it could not be shewn that the power in question, so far from being granted, was purposely withheld from the Federal Government, by the framers of the Constitution; and that there are provisions of the Constitution, from which it may be fairly inferred, that it was intended to be reserved to the States respectively. It appears from the history of the proceedings of the Convention which framed the Constitu-

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\* See Kentucky Resolutions of 1778.

tion, that the subject of the PROTECTION of *manufactures*, was several times brought distinctly to the view of that body, and that they did not see fit to grant to the Federal Government the power in question. In the original proposition, to confer on Congress the power to impose "duties, imposts and excises," was embraced "*prohibitions and restraints*," which may well be supposed to be intended to embrace the protection of manufactures; but it is remarkable, that these words were omitted in the Report of the Committee, on that clause. On the 18th of August, a motion was made "to establish rewards and immunities, for the promotion of agriculture, commerce, trades and *manufactures*;" but this proposition also failed. On a subsequent day, it was moved that there should be "a Secretary of Domestic Affairs, &c." whose duty it should be to attend to matters of general police, the state of *agriculture* and *manufactures*, the opening of roads and navigation, and facilitating of intercourse through the United States; and that he shall, from time to time, recommend such measures and establishments as may tend to promote these objects. This proposition likewise failed, the Constitution containing no provision in conformity therewith.

Now, as it is utterly impossible, that these several propositions, embracing imposts, duties, prohibitions and restraints, and the encouragement of manufactures, could have been disposed of, without bringing the whole question of domestic manufactures fully into view—it must follow, that, as no power was given to Congress over *manufactures*, while the power to regulate *commerce* is expressly conferred, it was not the intention of the framers of the Constitution, to entrust this power to Congress. Although repeatedly urged to confer such a power, they constantly refused it; and the Constitution, as finally ratified, contains no provision, whatever upon the subject. In the Report of Luther Martin, a delegate from Maryland, made to the Legislature of his State, an explanation is given of the proceedings of the Convention, in relation to this matter, which removes every shadow of doubt, with regard to the true meaning and intent of the framers of the Constitution, in relation to the protection of manufactures. It appears from this statement, that, as the encouragement of manufactures had been refused to be conferred upon the Federal Government, it was the desire of Mr. Martin and others, to reserve to the states all the means which they supposed to be necessary for affording effectual encouragement to manufacturers within their own limits. Among those it was presumed "that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on imports, *for the sake of revenue*, to lay a duty to DISCOURAGE THE IMPORTATION OF PARTICULAR ARTICLES into a State, or to enable the manufacturer here to supply us on as good terms as could be obtained from a foreign market."\* Here it will be seen that it is positively stated, by Mr. Martin, that the power given to Congress to *impose duties upon imports* was given expressly "*for the sake of revenue*," and was not considered as extending to any duty "to discourage the importation of particular articles, for the purpose of ex-

\* Yates' Secret Debates in the Convention, p. 71.



couraging manufactures," and that it was considered that unless the several States should possess this power, as well as that of prohibiting the exportation of certain raw materials, they would not be enabled to extend that complete protection to their own manufactures which might be deemed indispensable to their success. "The most, however," says Mr. Martin, "which we could obtain was, that this power might be exercised by the States, by and with the consent of Congress and subject to its control." Thus, then, it manifestly appears, that in relation to manufactures, the framers of the Constitution positively refused to confer upon the Federal Government, any power whatever;—that the power to lay duties &c. was conferred for the sake of revenue alone, and was not intended to embrace the power to lay duties "to discourage the importation of particular articles to enable the manufacturers here to supply us on as good terms as could be obtained from a foreign market;" and, finally, that the whole subject was left in the hands of the several states, with the restriction, "that no State shall, without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws." This power, it appears, was expressly inserted for the purpose of enabling the States to protect their own manufactures; and this, it seems, was the only provision which friends of domestic industry could obtain. It is vain to allege that the powers retained by the States on this subject, are inadequate to the effectual accomplishment of the object. If this were so, it would only shew the necessity of some further provision on this subject—but surely it will not be pretended that it would justify the usurpation, by Congress, of a power, not only not granted by the Constitution, but purposely withheld.

We think, however, that this exposition of the Constitution places the protection of manufactures on the true foundation, on which it should stand in such a Government as ours. Nothing can be more monstrous than that the industry of one or more States in this confederacy should be made profitable at the expense of the others; and this must be the inevitable result of any scheme of legislation by the General Government, calculated to promote Manufactures by restrictions upon Commerce or Agriculture. But leave Manufactures where Agriculture and other domestic pursuits have been wisely left by the Constitution—with the several States, and ample security is furnished, that no preference will be given to one pursuit over another; and if it should be deemed advisable in any particular state to extend encouragement to manufactures, either by direct appropriations of money, or in the way pointed out in the article of the Constitution above quoted, that this will be done not at the expense of the rest of the Union, but of the particular State whose citizens are to derive the advantages of those pursuits. Should Massachusetts, for instance, find it to her advantage to engage in the Manufacture of Woollens or Cottons, or Pennsylvania be desirous of encouraging the working of her Iron Mines, let those States grant bounties out of their own Treasuries, to the persons engaged in these pursuits; and should it be deemed advisable to encourage their manufactures by duties, "discouraging the importation of similar articles" in these respective States, let them make an application to Congress, whose consent

would doubtless be readily given to any acts of those States, having these objects in view. The Manufacturers of Massachusetts and Pennsylvania would thus be encouraged at the expense of the people of these States respectively. But when they claim to do more than this,—to encourage their industry at the expense of the industry of the people of the other States, to promote the *Manufactures of the North* at the expense of the *Agriculture of the South*, by *restrictions upon Commerce*,—in a word, to secure a monopoly for their manufactures, not only in *their own market*, but throughout the United States, then, we say, that the claim is unjust, and cannot be granted consistently with the principles of the Constitution, or the great ends of a *Confederated Government*. We shall not stop to enquire whether, as has been urged with great force, that provision of the Constitution which confers the power upon Congress “to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries,” does not, by a necessary implication, deny to Congress the power of promoting the useful arts, (which include both agriculture and manufactures) by any other means than those here specified. It is sufficient for our purpose to shew, that the power of promoting manufactures, as a distinct substantive object of legislation, has no where been granted to Congress. As to the incidental protection that may be derived from the rightful exercise of the power, either of regulating commerce, or of imposing taxes, duties and imposts, for the legitimate purposes of government—this certainly may be as freely enjoyed by manufactures as it must be by every other branch of domestic industry. But as the power to regulate commerce, conferred expressly for its security, cannot be fairly exerted for its destruction, so neither can it be perverted to the purpose of building up manufacturing establishments—an object entirely beyond the jurisdiction of the Federal Government—so, also, the power to levy taxes, duties, imposts and excises, expressly given for the purpose of raising *revenue*, cannot be used for the discouragement of importations, for the purpose of promoting manufactures, without a gross and palpable violation of the plain meaning and intent of the federal compact. Acts may be passed on these subjects, falsely purporting, on their face, to have been enacted for the purposes of raising revenue and regulating commerce,—but if, in truth, they are designed, (as the acts of 1824, 1828, and 1832, *confessedly* and avowedly have been) for an entirely different purpose, viz: for the encouragement and promotion of manufactures—the violation of the Constitution is not less gross, deliberate and palpable, because it assumes the most dangerous of all forms, *a violation by perversion*, the use of a power granted for one purpose, for another and a different purpose, in relation to which Congress has no power to act at all. On the whole, even from the very brief and imperfect view which we have here taken on this subject, we think we have demonstrated that the protecting system is as GROSS and PALPABLE a VIOLATION of the CONSTITUTION, according to its true spirit, intent and meaning, as it is unquestionably UNEQUAL, OPPRESSIVE and UNJUST in its bearing upon the great interests of the country and the several sections of the Union.

But great as are the evils of the American System, fatal as it assuredly must be to the prosperity of a large portion of the Union, and gross as is the violation of the letter and spirit of the Constitution which it perpetrates, the consequences which must inevitably result from the establishment of the pernicious principles on which it is founded, are evils of still greater magnitude. An entire change in the character of the Government is the natural and necessary consequence of the application to the Constitution of those latitudinous rules of construction, from which this system derives its existence, and which must "consolidate the States by degrees into one sovereignty; the obvious tendency and inevitable result of which would be to transform the present representative system of the United States into a Monarchy."\*

We fearlessly appeal to all considerate men, whether it be in the nature of things possible, to hold together such a Confederacy as ours, by any means short of military despotism, after it has degenerated into a CONSOLIDATED GOVERNMENT—that is to say, after it shall come to be its established policy to exercise a *general legislative control* over the interests and pursuits of the whole American people.

Can any man be so infatuated as to believe, that Congress could regulate wisely the whole labor and capital of this vast Confederacy? Would it not be a burden too grievous to be borne, that a great central government, necessarily ignorant of the condition of the remote parts of the country, and regardless, perhaps, of their prosperity, should undertake to interfere with their domestic pursuits, to control their labor, to regulate their property, and to treat them in all respects as DEPENDENT COLONIES, governed, not with reference to their own interests, but the interests of others? If such a state of things must be admitted to be altogether intolerable, we confidently appeal to the sober judgment and patriotic feelings of every man who values our free institutions and desires to preserve them—whether the progress of the Government towards this result has not of late years been rapid and alarming? and whether, if the downward course of our affairs cannot be at once arrested—the consummation of this system is not at hand? No sooner had Congress assumed the power of building up manufactures, by successive tariffs—calculated and intended to drive men from agriculture and commerce into more favored pursuits—than internal improvements sprung at once into vigorous existence. *Pensions* have been enlarged to an extent not only before unknown in any civilized country, but they have been established on such principles, as manifest the settled purpose of bestowing the public treasure in gratuities to particular classes of persons and particular sections of country. *Roads* and *canals* have been commenced, and surveys made, in certain quarters of the Union, on a scale of magnificence, which evinces a like determination to distribute the public wealth into new and favored channels; and it is in entire accordance both with the theory and practice of this new system, that the General Government should absorb all the authority of the States, and eventually become the grand depository of the powers, and the general guardian and distributor of the wealth of the whole Union. It is known to all

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\*Madison's Report.



who have marked the course of our national affairs, that Congress has undertaken to create a BANK, and has already assumed jurisdiction over *science* and the *arts*, over *education* and *charities*, over *roads* and *canals*, and almost every other subject formerly considered as appertaining exclusively to the States; and that they claim and exercise an *unlimited control* over the appropriation of the *public lands* as well as of the *public money*. On looking, indeed, to the legislation of the last ten years, it is impossible to resist the conviction, that a fatal change has taken place in the whole policy and entire operation of the Federal Government—that in every one of its departments it is, both in theory and practice, rapidly verging towards Consolidation—asserting judicial supremacy over the sovereign States, extending EXECUTIVE PATRONAGE and influence to the remotest ramifications of society, and assuming legislative control over every object of local concernment, thereby reducing the States to petty corporations, shorn of their sovereignty, mere parts of one great whole, standing in the same relation to the Union as a county or parish to the State, of which it is a subordinate part.

Such is the true character, and such the inevitable tendencies of the AMERICAN SYSTEM. And when the case, thus plainly stated, is brought home to the bosoms of patriotic men, surely it is not possible to avoid the conclusion, that a political system, founded on such principles, must bear within it the seeds of premature dissolution—and that though it may for a season be extended, enlarged and strengthened, through the corrupting influence of patronage and power, until it shall have embraced in its serpent folds all the great interests of the State, still the time must come, when the people, deprived of all other means of escape, will rise up in their might and release themselves from its thralldom, by one of those violent convulsions, whereby society is uprooted from its foundations, and the edict of REFORM is written in BLOOD.

Against this system South Carolina has remonstrated in the most earnest terms. As early as 1820, there was hardly a district or parish in the whole State, from which memorials were not forwarded to Congress, the general language of which was, that the protecting system was “utterly subversive of their rights and interests.” Again, in 1823 and 1827, the people of this State rose up almost as one man, and declared to Congress and the world, “that the protecting system was unconstitutional, oppressive, and unjust.” But these repeated remonstrances were answered only by repeated injuries and insults—by the enacting of the tariffs of 1824 and 1828. To give greater dignity, and, if possible, more effect to these appeals, the Legislature, in Dec. 1825, solemnly declared, “that it was an unconstitutional exercise of power on the part Congress to lay duties to protect domestic manufactures;” and, in 1828, they caused to be presented to the Senate of the U. S. and claimed to have recorded on its Journals the solemn PROTEST of the State of South Carolina, denouncing this system as “*utterly unconstitutional, grossly unequal and oppressive, and such an abuse of power as was incompatible with the principles of a free government, and the great ends of civil society,*” and that they were “*then only restrained from the assertion of the sovereign rights of the State, by the hope that the magnanimity and justice of the good people of the Union would effect an abandonment of*

a system partial in its nature, unjust in its operation, and not within the powers delegated to Congress." And, finally, in Dec 1830, it was resolved, "That the several Acts of Congress, imposing duties on imports, for the protection of domestic manufactures, are highly dangerous, and oppressive violations of the constitutional compact; and, that whenever the States which are suffering under the oppression, shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be their right and duty to interpose, in their sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts."

Nor has South Carolina stood alone in the expression of these sentiments: Georgia and Virginia, Alabama and Mississippi, and North Carolina, have raised their voices in earnest remonstrances and repeated warnings. Virginia, in 1828, in responding to South Carolina, declared "that the Constitution of the United States, being a federative compact between sovereign States, in construing which no common arbiter is known, each State has a right to construe the compact for itself; and that Virginia, as one of the high contracting parties, feels itself bound to declare, and does hereby most solemnly declare, its deliberate conviction, that the acts of Congress usually denominated the Tariff Laws, passed avowedly for the protection of domestic manufactures, are not authorised by the plain construction, true intent and meaning of the Constitution."

Georgia, through her Legislature, pronounced this system to be one "which was grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy—and which they solemnly believed to be contrary to the letter and spirit of the Federal Constitution," and declared it to be the right of the several States, in case of any infraction of the general compact, "to complain, remonstrate, and even *refuse obedience* to any measure of the General Government manifestly against and in violation of the Constitution, that otherwise the law might be violated with impunity, and without redress as often as the majority might think proper to transcend their powers, and the party injured would be bound to yield an implicit obedience to the measure however unconstitutional, which must tend to annihilate all sovereignty and independence of the States, and consolidate all power in the General Government, which never was designed nor intended by the framers of the Constitution."

Alabama also protested against "the attempt to exclude the foreign in favor of the domestic fabrics, as the exercise of a power not granted by the Constitution," and concluded, by stating "that she wished it to be distinctly understood, that in common with the other Southern and South Western States, she regards the power asserted by the General Government, to control her *internal concerns* by protecting duties, as a *palpable usurpation* of powers, not given by the Constitution, and a species of oppression little short of legalised pillage."

North Carolina in the same spirit, declared that, while "it was conceded that Congress have the express power to lay imposts, she maintains that that power was given for the purpose of *Revenue*, and Revenue alone, and that every other use of the power is an usurpation on the part of Congress." And finally, the Legislature of Mississippi "Resolved, that

the State of Mississippi concurs with the States of Georgia, South Carolina and Virginia, in their different resolutions upon the subject of the *Tariff*, Colonization Society and Internal Improvement."

It has been in the face of all these remonstrances and protests, and in defiance of these repeated warnings and solemn declarations, that the recent modification of the *Tariff*, by the Act of 1832, was effected. The period of the final extinction of the Public Debt had always been looked to as the crisis of our fate, when the policy of the country in reference to the Protective System was to be finally settled. It was the period assigned by common consent, as the utmost limit of the forbearance of South Carolina, whose citizens felt that in the adoption of that System, their Constitutional Rights had been trampled on, and their dearest interests cruelly sacrificed.

No one could fail to perceive, that when every pretext for the continuance of the high duties under which the Southern States had suffered for so many years, was taken away by the payment of the National Debt, and the consequent relief of the Treasury from an annual demand of twelve millions of dollars; that no reason could be given why these duties should not be brought down to the revenue standard, except that it was deliberately designed to secure to the Manufacturers forever, the monopoly they had so long enjoyed, at the expense of the other great interests of the country.

We find accordingly, that the new *Tariff*, which is intended to take effect, only after the final extinguishment of the Public Debt, has been arranged and adjusted with a single eye to the perpetuation of this System, and with an entire disregard of the just claims of the Plantation States. Whatever may be the amount of the aggregate reduction effected by this bill, (and it is not pretended in the *latest* Treasury estimate, to exceed \$5,000,000, of which near \$4,000,000 are on the unprotected articles,) it is not denied that it will leave a surplus of many millions in the Treasury, beyond the usual expenses or necessary wants of the Government; and it is notorious—nay, it appears on the face of the Bill itself—that while duties to the amount of 40, 50, and even 100 per cent. are still to be levied upon the protected articles, (that is to say, upon all the Cottons, Woollens, and Iron, the Sugar and the Salt, and the other articles embraced in the Protecting System,) the duties on the unprotected articles have been reduced greatly below the revenue standard, and upwards of \$3,000,000 entirely repealed; so that according to this System, as now established, a large surplus revenue, to be applied to Internal Improvements and other unwarrantable purposes, is to be levied by the imposition of enormous Taxes on the necessities of life, the very articles received chiefly in exchange for Southern productions; and this has been done, in order to protect the industry of the North, with which ours comes into competition, while the articles of luxury, universally acknowledged to be the fittest subjects for Taxation, are to be admitted duty free.\*

Now, let it be remembered, that the very point in controversy has all along been, not the *Revenue*, but the *Protecting* duties; and yet we see,

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\*See Treasury Estimate, published in August last, shewing an aggregate reduction of \$5,187,078, of which \$3,108,631 were made *entirely free*.



that in answer to all our petitions and remonstrances, Congress has been graciously pleased to make an adjustment of the Tariff, which simply consists in taking off the duties imposed for Revenue, while the protecting duties are allowed to remain substantially untouched. It was not so much the amount of the imposition, as the inequality and injustice of the Protecting System, that has roused the people of South Carolina to determined resistance: and yet, we find that this inequality has been aggravated, and that injustice perpetuated, by the deliberate adoption of a measure, which was calculated and intended to rivet this System upon us, beyond all hope of relief.

The grave and solemn question now occurs, what is to be done to redeem ourselves from the state of Colonial vassalage into which we have unhappily fallen? Shall we still continue to wait for a returning sense of justice on the part of our oppressors? We are thoroughly persuaded, that the hope can no longer be indulged, that the tariff majority in Congress will, of their own accord, relieve us from this cruel bondage—experience teaches us that this expectation, so long and fondly indulged, is utterly delusive. The only effect of further delay must be, to strengthen the hand of the oppressor, to crush the public spirit—deadens the sensibility of the people to the inestimable value of their rights—and teach them the degrading lesson of wearing their chains in patience. It is almost inconceivable, that any reflecting man can believe that the crisis in our affairs, arising from the final extinction of the Public Debt, should be suffered to pass away, without reducing the tariff to the revenue standard, and yet that such reduction may be expected to take place at some future period. What period so auspicious as that which has been allowed to pass away unimproved? Is any one so ignorant of human nature, as not to know that the annual surplus, which then will be brought into the Treasury, under the Act of 1832, will be speedily absorbed by new and enlarged appropriations, serving as additional props, to a system, which some vainly imagine to be tottering on its base, ready to fall under its own weight? Even at the last session of Congress, the annual appropriations were enlarged by several millions of dollars, in anticipation of this expected surplus; and the foundation is already laid for its absorption, and when this shall be accomplished, where will be the hopes of those who now say that the evil is to correct itself, and who tell us that the Act of 1832, which was in fact designed to rivet the System upon the country forever—and was hailed by its friends, as “a clear, distinct, and indisputable admission of the principle of protection,” is to be viewed as a blessed reform, presenting the brightest auspices for the future? The truth unquestionably is, that the American System is, from its very nature, progressive. When its foundations were laid, it was foreseen and predicted that the great interests which it would build up, would exert a controlling influence over the legislation of the country. The history of the world indeed affords no example of a voluntary relinquishment, by a favored class, of any pecuniary or political advantage, secured to them by the laws and general policy of the country. Force has often torn from the hands of the oppressor, his unrighteous gains; but reason and argument are as vain in convincing the understanding, as appeals to justice and magnanimity have ever proved to be impotent in

softening the hearts of those who are enriched under the operation of laws passed professedly for the public good. Who is there, that can for one moment believe that any thing short of a direct appeal to their interests will induce the dependants upon the Federal Government, the wealthy sugar planters and iron masters, or the joint stock companies, who have millions invested in cotton and woollen factories, yielding under the operation of the protecting system an annual income of 10 or 20 per cent, voluntarily to relinquish the advantages secured to them by the laws, and consent to come down to a level with the other classes of the community! It is impossible. From every view then which your committee have been able to take of this subject, they are constrained to announce to this Convention, the solemn truth, that after more than ten years of patient endurance of a system, which is believed by the people of this State to be *fatal to their prosperity* and a *gross, deliberate and palpable violation of their constitutional rights*—after the most earnest and unavailing appeals to that sense of justice, and those common sympathies, which ought to bind together the different members of a confederated republic, the crisis has at length arrived, when the question must be solemnly and finally determined, whether there remain any means, within the power of the State, by which these evils may be redressed?

It is useless to disguise the fact, or attempt to delude ourselves on this subject, *the time has come* when the State must either adopt a *decisive course of action*, or we must at once *abandon the contest*. We cannot again petition—it would be idle to remonstrate, and degrading to protest. In our estimation it is now a question of *Liberty or Slavery*.—It is now to be decided, whether we shall maintain the rights purchased by the precious blood of our fathers, and transmit them unimpaired to our posterity, or tamely surrender them without a struggle. We are constrained to express our solemn conviction, that under the protecting system, we have been reduced to a state of “colonial dependence, suffering and disgrace,” and that unless we now fly, with the spirit which becomes freemen, to the rescue of our liberties, they are lost forever. Brought up in an ardent devotion to the Union of the States, the people of South Carolina have long struggled against the conviction, that the powers of the Federal Government have been shamefully perverted to the purposes of injustice and oppression. Bound to their brethren by the proud recollections of the past, and fond hopes of the future, by common struggles for liberty and common glories, acquired in its defence—they have been brought slowly, and with the utmost reluctance, to the conclusion, that they are shut out from their sympathies, and made the unpitied victims of an inexorable system of tyranny, which is without example in any country claiming to be free. Experience has at length taught us the lamentable truth, that administered as the government now is, and has been for several years past in open disregard of all the limitations prescribed by the Constitution, the Union itself, instead of being a blessing must soon become a curse. Liberty, we are thoroughly persuaded, cannot be preserved under our system without a sacred and inviolable regard not merely to the letter, but to the true spirit of the Constitution; and without liberty the Union would not be worth preserving. If then there were no alternatives but to submit to these evils, or to seek a rém-

edy even in Revolution itself, we could not, without proving ourselves recreant to the principles hallowed by the example of our ancestors, hesitate a moment as to our choice. We should say, in the spirit of our fathers, "we have counted the cost, and find nothing so intolerable as voluntary slavery." But we cannot bring ourselves, for one moment, to believe, that the alternatives presented to us are revolution or slavery. We confidently believe, that there is a redeeming spirit in our institutions, which may, on great occasions be brought to our aid for the purpose of preserving the public liberty—restoring the Constitution—and effecting a regeneration of the Government, and thereby producing a redress of intolerable grievances, without war, revolution, or a dissolution of the Union. These great objects, we feel assured, may even now be effected, unless those who are in possession of the powers of the government, and charged with the administration of our national affairs, shall resolve to persevere in a course of injustice, and prove by their conduct that they love the usurpation (to which the people of this State are unalterably determined not to submit) better than the Union. We believe that the redeeming spirit of our system is STATE SOVEREIGNTY, and that it results from the very form and structure of the Federal Government, that when the rights reserved to the several States are deliberately invaded, it is their right and their duty to "interpose for the purpose of arresting the progress of the evil of usurpation, and to maintain within their respective limits the authorities and privileges belonging to them as independent sovereignties."\* If the several States do not possess this right, it is in vain that they claim to be sovereign. They are at once reduced to the degrading condition of humble dependants on the will of the Federal Government. South Carolina claims to be a sovereign State. She recognizes no tribunal upon earth as above her authority. It is true she has entered into a solemn compact of Union with other sovereign States; but she claims, and will exercise the right to determine the extent of her obligations under that compact, nor will she consent that any other power shall exercise the right of judgment for her. And when that compact is violated by her co-States, or by the Government which they have created, she asserts her unquestionable right, "*to judge of the infractions*, as well as of the MODE and MEASURE of REDRESS."† South Carolina claims no right to judge for others. The States who are parties to the compact, must judge each for itself, whether that compact has been pursued or violated; and should they differ irreconcilably in opinion, there is no earthly tribunal that can authoritatively decide between them. It was in the contemplation of a similar case, that Mr. Jefferson declared, that if the difference could neither be compromised nor avoided, it was the peculiar felicity of our system, to have provided a remedy in a Convention of all the States, by whom the Constitution might be so altered or amended, as to remove the difficulty. To this tribunal, South Carolina is willing that an appeal should now be made, and that the constitutional compact should be so modified as to accomplish all the great ends for which the Union was formed, and the Federal Government constituted, and at the

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\* Virginia Resolutions of 1798. † Kentucky Resolutions of 1798.



same time, restore the rights of the States, and preserve them from violation hereafter. You committee purposely avoid entering here into an examination of the nature and character of this claim, which South Carolina asserts, to interpose her sovereignty, for the protection of her citizens from the operation of unconstitutional laws, and the preservation of her own reserved rights. In an Address, which will be submitted to the Convention, this subject will be fully examined, and they trust that it will be made to appear, to the entire satisfaction of every dispassionate mind, that in adopting the ORDINANCE which the Committee herewith report, declaring the Tariff laws passed for the protection of Domestic Manufactures, null and void, and not Law, and directing the Legislature to provide, that the same shall not be enforced within the limits of this State,—South Carolina will be asserting her unquestionable rights, and in no way violating her obligations under the federal compact.

The Committee cannot dismiss this point, however, even for the present, without remarking that in asserting the principles, and adopting the course, which they are about to recommend, South Carolina will only be carrying out the doctrines, which were asserted by Virginia and Kentucky in 1798, and which have been sanctified by the high authority of Thomas Jefferson. It is from the pen of this great apostle of liberty, that we have been instructed that to the Constitutional compact, “each State acceded as a State, and is an integral party, its co-states forming as to itself the other party,” that “they alone being parties to the compact are solely authorised to judge in the last resort of the powers exercised under it; Congress being not a party but merely the creature of the compact;” that it becomes a sovereign State, “to submit to undelegated and consequently unlimited power in no man or body of men on earth—that in cases of abuse of the *delegated powers*, the members of the General Government being chosen by the people, a change by the people would be the Constitutional remedy, but where powers are assumed which have not been delegated [the very case now before us] A NULLIFICATION OF THE ACT IS THE RIGHTFUL REMEDY; that every State has a natural right in cases not within the compact [*casus non fœderis*] to NULLIFY of their own authority all assumption of power by others within their limits, and that without this right they would be under the dominion absolute and unlimited, of whomsoever might exercise the right of judgment for them,” and that in case of acts being passed by Congress “so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, by seizing the rights of the States, and consolidating them in the hands of the General Government with a power assumed of binding the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent, it would be the duty of the States to declare the acts void and of no force, and that *each should take measures of its own* for providing that neither such acts, nor any other of the General Government, not plainly and intentionally authorised by the Constitution, shall be exercised within their respective territories.”

In acting on these great and essential truths, South Carolina surely cannot err. She is convinced, and has so declared to Congress and the World, that the protecting system is, in all its branches, a "gross, deliberate, and palpable violation of the constitution." She believes that after having exhausted every other means of redress in vain, it is her right, and that it has now become her solemn duty, to interpose for arresting the evil within her own limits by declaring said acts "to be null and void and no law, and taking measures of her own that they shall not be enforced within her territory." That duty she means to perform, and to leave the consequences in the hands of *Him*, with whom are the issues of life and the destinies of nations.

South Carolina will continue to cherish a sincere attachment to the UNION of the States, and will to the utmost of her power endeavor to preserve it, "and believes that for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence." She venerates the CONSTITUTION and will protect and defend it "against every aggression either foreign or domestic," but, above all, she estimates as beyond all price her LIBERTY, which she is unalterably determined never to surrender while she has the power to maintain it. Influenced by these views, your committee report herewith for the adoption of the Convention a solemn DECLARATION and ORDINANCE.

#### AN ORDINANCE,

*To NULLIFY certain Acts of the Congress of the United States, purporting to be Laws Laying Duties and Imposts on the Importation of Foreign Commodities.*

WHEREAS, the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation, certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the Confederacy;—And, whereas, the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue, for objects unauthorized by the Constitution:

We, therefore, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially an act entitled "an act in alteration of the several acts imposing duties on imports." approved on the

nineteenth day of May, one thousand eight hundred and twenty-eight, and also an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities whether of this State or of the United States to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of this State, from and after the first day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this ordinance and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and if any such appeal shall be attempted to be taken, the Courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the Court.

And it is further ordained, That all persons now holding any office of honor, profit or trust, civil or military, under this State, (members of the Legislature excepted,) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath, well and truly to obey, execute and enforce this ordinance, and such act or acts of the Legislature, as may be passed in pursuance thereof, according to the true intent and meaning of the same, and on the neglect or omission of any such person or persons so to do, his or their office or offices, shall be forthwith vacated, and shall be filled up, as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honor, profit or trust, civil or military, (members of the Legislature excepted,) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall in like manner, have taken a similar oath; and no juror shall be impanelled in any of the Courts of this State, in any cause in which shall be in question this ordinance or any act of the Legislature, passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath, that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature, as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end, that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at every hazard, do further de-



declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act, authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act, abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels, to and from the said ports; or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harrass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union: and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things, which sovereign and independent States may of right do.

Done in Convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Declaration of the Independence of the United States of America.

JAMES HAMILTON, JUN. *President of the Convention,*  
and *Delegate from St. Peters.*

*James Hamilton, sen.*  
*Richard Bohun Baker, senr.*  
*Samuel Warren,*  
*Nathaniel Heyward,*  
*Robert Long,*  
*J. B. Earle,*  
*L. M. Ayer,*  
*Benjamin Adams,*  
*James Adams,*  
*James Anderson,*  
*Robert Anderson,*  
*William Arnold,*  
*John Ball,*  
*Barnard E. Bee,*  
*Thomas W. Boone,*  
*R. W. Barnwell,*  
*Isaac Bradwell, jr.*  
*Thomas G. Blewett,*  
*P. M. Butler,*  
*John G. Brown,*  
*J. G. Brown,*  
*John Bauskett,*  
*A. Burt,*  
*Francis Burt, jr.*  
*Bailey Barton,*  
*A. Bowie,*  
*James A. Black,*  
*A. H. Belin,*  
*Philip Cohen,*  
*Samuel Cordes,*

*Thomas H. Colcock,*  
*C. J. Colcock,*  
*Charles G. Capers,*  
*Wm. C. Clifton,*  
*West Caughman,*  
*John Counts,*  
*Benjamin Chambers,*  
*I. A. Campbell,*  
*Wm. Dubose,*  
*John H. Dawson,*  
*John Douglas,*  
*George Douglas,*  
*F. H. Elmore,*  
*Wm. Evans,*  
*Edmund J. Felder,*  
*A. Fuller,*  
*Theo. L. Gourdin,*  
*Peter G. Gourdin,*  
*T. J. Goodwyn,*  
*Peter Gaillard, jun.*  
*John K. Griffin,*  
*George W. Glenn,*  
*Alexander L. Gregg,*  
*Robert Y. Hayne,*  
*William Harper,*  
*Thomas Harrison,*  
*John Hatton,*  
*Thomas Harllee,*  
*Abm. Huguenin,*  
*Jacob Bond P'On,*

*John S. Jeter,*  
*Job Johnston,*  
*John S. James,*  
*M. Jacobs,*  
*J. A. Keith,*  
*John Key,*  
*Jacob H. King,*  
*Stephen Lacoste,*  
*James Lynah,*  
*Francis Y. Legare.*  
*Alex. J. Lawton,*  
*John Lipscomb,*  
*John Logan,*  
*J. Littlejohn,*  
*A. Lancastar,*  
*John Magrath,*  
*Benj. A. Markley,*  
*John S. Maner,*  
*Wm. M. Murray,*  
*R. G. Mills,*  
*John B. McCall,*  
*D. H. Means,*  
*R. G. Mays,*  
*George McDuffie,*  
*James Moore,*  
*John L. Miller,*  
*Stephen D. Miller,*  
*John B. Miller,*  
*R. P. McCord,*  
*John L. Nowell,*  
*Jennings O'Bannon,*  
*Charles Parker,*  
*Wm. Porcher,*  
*Edward G. Palmer,*  
*Chs. C. Pinckney,*  
*Wm. C. Pinckney,*  
*Thomas Pinckney,*  
*Francis D. Quash,*

*John Rivers,*  
*Donald Rowe,*  
*Benjamin Rogers,*  
*Thomas Ray,*  
*James G. Spann,*  
*James Spann,*  
*S. L. Simons,*  
*Peter J. Shand,*  
*James Mongin Smith,*  
*G. H. Smith,*  
*Wm. Smith,*  
*Stephen Smith,*  
*Wm. Stringfellow,*  
*Edwin J. Scott,*  
*F. W. Symmes,*  
*J. S. Sims,*  
*T. D. Singleton,*  
*Joseph L. Stevens,*  
*T. E. Screven,*  
*Robt. J. Turnbull,*  
*Elisha Tyler,*  
*Philip Tidyman,*  
*Isaac B. Ulmer,*  
*Peter Vaught,*  
*Elias Vanderhorst,*  
*John L. Wilson,*  
*Isham Walker,*  
*Wm. Williams,*  
*Thos. B. Woodward,*  
*Sterling C. Williamson,*  
*F. H. Wardlaw,*  
*Abner Whatley,*  
*J. T. Whitefield,*  
*Saml. L. Watt,*  
*Nicholas Ware,*  
*Wm. Waties,*  
*Archibald Young,*  
*J. Walter Phillips.*

[ATTEST,]

ISAAC W. HAYNE, Clerk of the Convention.

#### ADDRESS

*To the People of South Carolina, by their Delegates in Convention*

FELLOW-CITIZENS:

The situation in which you have been placed by the usurpations of the Federal Government, is one which you so peculiarly feel, as to render all reference to it at this moment unnecessary. For the last ten years the subject of your grievances has been presented to you. This subject you have well considered. You have viewed it in all its

aspects, bearings and tendencies, and you seem more and more confirmed in the opinion, expressed by both branches of the Legislature, that the Tariff, in its operation is not only "grossly unequal and unjust, but is such an abuse of power as is incompatible with the principles of a Free Government, and the great ends of civil society;" and that it persisted in, "the fate of this State would be poverty and utter desolation."—Correspondent with this conviction, a disposition is manifested in every section of the Country, to arrest, by some means or other, the progress of this intolerable evil. This disposition, having arisen, from no sudden excitement, but having been gradually formed by the free and temperate discussions of the press, there is no reason to believe, that it can ever subside, by any means short of the removal of the urgent abuse; and it is under this general conviction, that we have been convened to take into consideration, not only the character and extent of your grievances, but also the mode and measure of redress.

This duty, Fellow-Citizens, we have discharged to the best of our judgments, and the result of our deliberations, will be found in the DECLARATION and ORDINANCE just passed by us—founded on the great and undeniable truth, that in all cases of a palpable, oppressive and dangerous infraction of the Federal compact, each state has a right to annul, and to render inoperative within its limits all such unauthorized acts. After the luminous expositions which have been already furnished by so many great minds, that the exercise of this right is compatible with the first principles of our anomalous scheme of Government, it would be superfluous here to state at length, the reasons by which this mode of redress is to be sustained. A deference however for the opinions of those of our fellow-citizens, who have hitherto dissented from us, demands that we should briefly state the principal ground upon which we place the right, and the expediency of Nullification.

The Constitution of the United States, as is admitted by contemporaneous writers, is a compact between Sovereign States. Though the subject matter of that compact, was a Government, the powers of which Government were to operate *to a certain extent* upon the people of those Sovereign States, *aggregately*, and not upon the State Authorities, as is usual in Confederacies, still the Constitution is a Confederacy. First; It is a Confederacy, because in its FOUNDATIONS, it possesses not one single feature of *nationality*. The people of the separate States, as distinct political communities, *ratified* the Constitution, each State acting for itself, and binding its own citizens and not those of any other State. The act of ratification declares it "to be binding on the *States*, so ratifying. The *States* are its authors—their power created it—their voice clothed it with authority—the Government it formed is in reality *their* Government, and the Union of which it is the bond, is a Union of *States*, and not of individuals." Secondly; It is a Confederacy, because the EXTENT of the powers of the Government depends, not upon the People of the United States *collectively*, but upon the State Legislatures, or on the people of the separate States, acting in their State Conventions, each state being represented by a single vote.

It must never be forgotten, that it is to the *creating* and to the *controlling* power, that we are to look for the true character of the Federal Government; for the present controversy is, not as to the SOURCES from which the ordinary powers of the Government are drawn; these are partly *federal*, and partly *national*. Nor is it relevant, to consider, upon *whom* those powers operate. In this last view, the Government for *limited* purposes, is entirely national. The true question is, who are the parties to the compact? Who created, and who can alter and destroy it. Is it the *States*, or the *People*? This question has been already answered. The States as *States* ratified the compact. The People of the United States, collectively had no agency in its formation. There did not exist then, nor has there existed at any time since, such a political body as the People of



the United States. There is not now, nor has there ever been such a relation existing, as that of a citizen of New Hampshire, and a citizen of South Carolina, bound together in the same *Social Compact*. It would be a waste of time to dwell longer on this part of our subject. We repeat, that as regards the *FOUNDATION*, and the *EXTENT* of its powers, the Government of the United States, is strictly, what its name implies, a *FEDERAL* Government—a league between several Sovereigns, and in these views, a more perfect Confederacy has never existed in ancient or modern times.

On looking into this Constitution, we find that the most important sovereign powers are delegated to the central Government, and all other powers are reserved to the States. A foreign or an inattentive reader, unacquainted with the origin, progress, and history of the Constitution, would be very apt, from the phraseology of the instrument, to regard the States, as having divested themselves of their Sovereignty, and to have become great corporations subordinate to one Supreme Government. But this is an error. The States are as Sovereign now, as they were prior to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough, to speak of *delegated* and *reserved* Sovereignty. But correctly speaking, Sovereignty is an unit. It is “one, indivisible and unalienable.” It is therefore an absurdity to imagine, that the Sovereignty of the States, is surrendered in *part*, and retained in *part*. The Federal Constitution is a treaty, a confederation, an alliance, by which so many Sovereign States agree to exercise their sovereign powers *conjointly* upon certain objects of external concern, in which they are equally interested, such as WAR, PEACE, COMMERCE, Foreign Negotiation, and Indian Trade; and upon all other subjects of civil Government, they were to exercise their Sovereignty *separately*. This is the true nature of the compact.

For the convenient conjoint exercise of the Sovereignty of the States there must of necessity be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will, as expressed in the compact. The powers of this government are wholly *derivative*. It possesses no more inherent sovereignty, than an incorporated town, or any other great corporate body—it is a political corporation, and like all corporations, it looks for its powers to an exterior source. That source is the States. It wants that “irresistible, absolute, uncontrolled authority,” without which, according to jurists, there can be no sovereignty. As the States conferred, so the States can take away its powers. All inherent sovereignty, is therefore in the States. It is the *MORAL OBLIGATION* alone, which each state has chosen to impose upon herself, and not the want of sovereignty, which restrains her from exercising all those powers, which (as we are accustomed to express ourselves) she has surrendered to the Federal Government. The present organization of our Government, as far as regards the *terms* in which the powers of Congress are delegated, in no wise differs from the old confederation. The powers of the Old Congress were delegated rather in stronger language, than we find them written down in the new charter, and yet he would hazard a bold assertion, who would say, that the States of the old Confederacy were not as sovereign as Great Britain, France and Russia, would be in an alliance offensive and defensive. It was not the reservation in express terms of the “Sovereignty, Freedom, and Independence of each State” which made them sovereign. They would have been equally Sovereign, as is universally admitted, without such a reservation.

We have said thus much upon the subject of Sovereignty, because the only foundation upon which we can safely erect the right of a State to protect its citizens, is, that South Carolina, by the Declaration of Independence, became and has since continued a Free, Sovereign and Independent State. That as a sovereign state, she has the *inherent* power to do all those acts, which by the law of nations, any Prince or Potentate may of right

do. That like all independent States, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations, under which all Princes and States are bound before God and man, to perform their solemn pledges. The inevitable conclusion from what has been said therefore is, that as in all cases of compact between Independent Sovereigns, where from the very nature of things, there can be no common judge or umpire, each sovereign has a right "to judge as well of infractions, as of the mode and measure of redress," so in the present controversy, between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn convention assembled, to decide whether the federal compact be violated, and what remedy the state ought to pursue. South Carolina therefore cannot, and will not yield to any department of the Federal Government, and still less to the Supreme Court of the United States, the creature of a Government, which itself is a creature of the States, a right which enters into the essence of all sovereignty, and without which, it would become a bauble and a name.

It is fortunate for the view which we have just taken, that the history of the Constitution, as traced through the Journals of the Convention which framed that instrument, places the right, contended for upon the same sure foundation. These journals furnish abundant proof, that "no line of jurisdiction between the States and Federal Government in doubtful cases," could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a Supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived could be found, and that there was no alternative, but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures. The pertinacity with which this negative power was insisted on by the advocates of a national Government, even after all the important provisions of the *judiciary* or *third article* of the Constitution were arranged and agreed to, proves beyond doubt, that the Supreme Court was never contemplated by either party in that Convention, as an arbiter, to decide conflicting claims of sovereignty between the States and Congress; and the repeated rejection of all proposals to take from the States, the power of placing their own construction upon the articles of Union, evinces, that the States were resolved never to part with the right to judge whether the acts of the Federal Legislature were or were not, an infringement of those articles.

Correspondent with the right of a Sovereign State to judge of the infractions of the Federal Compact, is the duty of this Convention to declare the extent of the grievance, and the mode and measure of redress. On both these points, public opinion has already anticipated us, in much that we could urge. It is doubted, whether in any country, any subject has undergone before the people, a more thorough examination than the constitutionality of the several acts of Congress for the protection of Domestic Manufactures. Independent of the present embarrassments they throw in the way of our commerce, and the plain indications, that certain articles, which are the natural exchange for our valuable staple products, are sooner or later to be virtually prohibited—Independent of the diminution, which these impost duties cause in our incomes, and the severity of the Tax upon all articles of consumption needed by the poor, they recognize a principle, not less at war with the ends for which this great confederacy was formed, than it is with that spirit of justice, and those feelings of concord which ought to prevail amongst states, united by so many common interests and exalted triumphs. The people surely need not be told, in this advanced period of intellect and freedom, that no government can be free, which can rightfully impose a tax, for the encouragement of one branch of industry at the expense of all others, unless such a tax be justified by some great and unavoidable public

necessity. Still less can the people believe, that in a confederacy of States, designed principally, as an alliance offensive and defensive, its authors could ever have contemplated, that the federal head should regulate the domestic industry of a widely extended country; distinguished above all others, for the diversity of interests, pursuits and resources in its various sections. It was this acknowledged diversity, that caused the arrangement of a conjoint and separate exercise of the sovereign authority; the one to regulate external concerns, and the other to have absolute control "over the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the States."

It is the striking characteristic in the operation of a simple and consolidated government, that it protects Manufactures, Agriculture, or any other branch of the public industry—that it can establish corporations, or make Roads and Canals, and patronize learning, and the arts. But it would be difficult to shew, that such was the government, which the sages of the Convention designed for the States. All these powers were proposed to be given to Congress, and they were proposed by that party in the Convention, who desired a *firm National Government*. The Convention having decided on the *federal* form, in exclusion of the national, all these propositions were rejected; and yet we have lived to see an American Congress who can hold no power except by express grant, as fully in the exercise of these powers, as if they were part and parcel of their expressly delegated authority. Under a pretence of regulating Commerce, they would virtually prohibit it. Were this regulation of Commerce resorted to, as a means of coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other *bona fide* commercial purpose, as has been justly said by our Legislature, the Tariff acts would be Constitutional. But none of these acts have been passed as countervailing or *retaliatory* measures, for restrictions placed on our Commerce by foreign nations. Whilst other nations seem disposed to relax in their restraints upon trade, our Congress seems absolutely bent upon the interdiction of those articles of Merchandise, which are exchangeable for the products of Southern labor, thus causing the principal burthen of taxation to fall upon this portion of the Union, and by depriving us of our accustomed Markets, to impoverish our whole Southern country. In the same manner, and under the pretence of promoting the Internal Improvement of the States, and for other equally unjustifiable and unconstitutional purposes, Congress is in the constant habit of violating those fundamental principles of the Constitution, on which alone can rest the prosperity of the States, and the durability of the Union.

It is in vain to imagine, that with a people who have struggled for freedom, and know its inestimable value, such a state of affairs can be endured longer than there is a well founded hope, that reason and justice will resume their empire in the common council of the confederacy. That hope having expired with the last session of Congress, by the present Tariff Act, distinctly and fully recognizing as the permanent policy of the country, the odious principle of protection, it occurs to us, that there is but one course for the State to pursue. That course, fellow-citizens, is RESISTANCE. Not *physical*, but MORAL resistance—not resistance in an angry, or irritated feeling, but resistance by such counter-legislation, which, whilst it shall evince to the world that our measures are built upon the necessity of tendering to Congress an amicable issue, to try a doubtful question, between friends and neighbors, shall at the same time secure us in the enjoyment of our rights and privileges. It matters not, fellow-citizens, by what name this counter-legislation shall be designated—call it Nullification, State interposition, State veto, or by whatever other name you please, still if it be but resistance to an oppressive measure, it is the course which duty, patriotism, and self-preservation prescribes. If we are asked, upon



what ground we place the right to resist a particular law of Congress and yet regard ourselves as a constituent member of the Union, we answer—the ground of the COMPACT. We do not choose, in a case of this kind, to recur to what are called our natural rights, or the right of revolution. We claim to nullify by a more imposing title. We claim it as a CONSTITUTIONAL right, not meaning as some have imagined, that we *derive* the right from the Constitution, for derivative rights can only belong to the *functionaries* of the high contracting parties to the Constitution, but we claim to exercise it as one of the PARTIES to the compact, and as consistent with its letter, its genius and its spirit, it being distinctly understood at the time of ratifying the Constitution, that the exercise of all sovereign rights not agreed to be had conjointly, were to be exerted separately by the States. Though it be true, that the provision in favor of what we call the reserved rights of the States, was not necessary to secure to the States such reserved rights, yet the mere circumstance, of its insertion in the instrument, makes it as clear a *Constitutional* provision, as that of the power of Congress to raise armies, or to declare war. Any exercise of a right in conformity with a Constitutional provision, we conceive to be a *Constitutional* right, whether it be founded on an express grant of the right, or be included in a general reservation of undefined powers. The Constitution being the supreme law, and instrument in which a distribution of powers is made between the Federal Government and the States, it is incumbent on the authorities of each Government, so to shape their legislation as not to overstep the boundaries assigned to them. No act can therefore be done by either Government, which for its *validity* can be referred to any other test, than the STANDARD OF THE CONSTITUTION. If a State Government passes an act defining and punishing a burglary, or a law abolishing the rights of primogeniture, it is more correct to say, that she is in the exercise of her *Constitutional*, than of her *natural* rights, because it is an express *Constitutional* provision, that she should exercise all her sovereign rights, not already entrusted to the common functionary of the parties. As it is impossible then that any act can be passed by either Government, which if disputed, must not be referred to the Constitution as the supreme law of the parties, so a right is Constitutional or unconstitutional, as it shall be found to comport with or to be repugnant to the terms or the spirit of that instrument. There is not therefore a sovereign, or a natural right, which South Carolina can lawfully exercise in conformity with her engagements, which is not stipulated for in the tenth amendment to the Constitution.—All such rights stipulated for, must be Constitutional. To regard them otherwise, would be a perversion of terms.

That Nullification under our reserved rights was regarded as Constitutional by the Virginia Resolutions of 1798, is clear from the exposition of them by the celebrated Report, drawn by Mr. Madison. In defending the third of the resolutions, which asserts the doctrine of State interposition and protection, the Committee say “that they have *scanned* it not merely with a strict, *but with a severe eye*, and they feel confidence in pronouncing, that in its *just and fair construction*, it is unexceptionably *true in its several positions*, as well as CONSTITUTIONAL and conclusive in its *inferences*.” What were the positions of the third Resolution? 1st. That the powers of the Federal Government, were limited to the plain sense of the instrument constituting the compact. 2d. That in case of a deliberate, palpable, and dangerous infraction of the compact, the State has the right to interpose, &c. Now what is the inference? It is, that “they are in duty bound to arrest the progress of the evil, by maintaining, within their RESPECTIVE limits, the authorities, rights and liberties appertaining to them.” This inference says the Report, is “CONSTITUTIONAL and conclusive.” The same doctrine was as distinctly affirmed by the Virginia Assembly in their Resolutions adopting the Report.—

They say "that having fully and accurately re-examined and reconsidered these Resolutions, they find it to be their indispensable duty to ADHERE TO THE SAME as founded in truth, as CONSONANT WITH THE CONSTITUTION, and as CONDUCTIVE TO ITS PRESERVATION."

We are aware that it has been recently maintained, that by the State interposition referred to in this third Resolution, the Virginia Assembly had allusion to the natural right, and Mr. Madison himself has been brought forward to give a construction to this Resolution contrary to the most obvious import of the terms. Be it so. Then, if the State interposition here spoken of, be a natural right, it is a right; which the Virginia Assembly have pronounced "CONSONANT with the Constitution, and as conducive to its preservation." Or in other words, that without the exercise of this natural sovereign right of interposition, the Constitution cannot be preserved. There is no incongruity in this. It is quite competent for two monarchs, to stipulate in a treaty for that right, which independent of the treaty, would be a natural right, as if a power were conferred by the treaty, on the citizens of either Prince, to capture, adjudge and execute all subjects of the other engaged in piracy on the high seas. It certainly would be more proper to call such a right, a *Conventional* right, than a natural right, though it be both. Several of the State Constitutions furnish instances of natural rights, being secured by a constitutional provision. Even in the instrument we are now considering, there is a distinct affirmation in terms of a natural right of sovereignty: such as the sovereign right of a State to keep troops and ships of war in a certain emergency, or the sovereign right of a State to lay import and export duties, for the purpose of executing its inspection laws. In these cases, a natural right is also a constitutional right, contrary to the definition of those who maintain that no right is properly constitutional which is a sovereign right—because constitutional rights are derivative rights exercised by functionaries. That reasoning would be indeed strange, which would place a natural reserved sovereign right, expressed in terms upon a better footing, than all that mass of residuary power included in the general reservation of the tenth amendment. It would be to create a distinction without a difference. The reserved rights, though undefined, are easily ascertained. Any particular right not found in the enumerated powers of Congress, of course belongs to the States.

The right to nullify is universally admitted to be a natural or sovereign right—The natural rights of the States are also admitted to be their reserved rights.—If they are reserved, they must be constitutional, because the Constitution being an agreement to arrange the mode by which the States shall exercise their sovereignty, expressly stipulates for the exercise of these powers in all cases not enumerated. To some it may be unimportant upon what basis we place the right of a State to protect its citizens, as counter-legislation would be the beginning of resistance in either case; others may, perhaps justly, say, that the whole controversy is resolveable into a dispute as to what is, or is not, the proper definition of a constitutional right—We, however, think it of infinite importance, in urging the right of nullification, to regard it as a *constitutional*, rather than as a natural remedy, because a constitutional proceeding is calculated to give it a pacific course and a higher recommendation.—The characteristic, in fact, of the American Constitutions in general, is, that they sanctify the fundamental principles of the American Revolution. Whilst other nations have to resort to the law of nature, and by force to drive despots from their thrones, thus incurring what amongst them is odiously termed the guilt of rebellion, we have the incalculable advantage of a thorough understanding amongst all classes, that it is the right, as well as the duty, of a free people, to recur when necessary to their sovereign rights, to resist oppression. Such a sentiment as this becoming familiar to the public mind, acquires prodigious strength, when its spirit is seen



to pervade a written Constitution, and prevents rather than accelerates opportunities for an unnecessary recurrence to revolutionary movements. Under such a structure of the public sentiment, when the voice of a sovereign State shall be spoken, "it will be heard in a tone, which virtuous governors will *obey*, and tyrannical ones shall *DREAD*." Nothing can more reconcile nullification to our citizens, than to know, that if we are not proceeding according to the forms of the Constitution, we are nevertheless adhering to its *spirit*. The convention which framed the Constitution, could not agree upon any mode of settling a dispute like the present. The case was therefore left unprovided for, under the conviction no doubt, as is admitted by Mr. Hamilton in "The Federalist," that if the Federal Government should oppress the States, the State governments would be ready to check it by virtue of their own inherent sovereign powers. "It may safely be received as an *AXIOM* in our *political system*, (says Mr. Hamilton,) that the *State governments will, in all possible contingencies*, afford *COMPLETE SECURITY* against invasion of the public liberty by the *national authority*—*Projects of usurpation* cannot be *masked under pretences* so likely to escape the penetration of *select bodies* of men, as of the people at large—The *LEGISLATURES* will have better means of information—They can discover the danger at a distance; and, *possessing all the organs* of *CIVIL POWER*, and the confidence of the people, they can at once adopt a *REGULAR PLAN OF OPPOSITION*, in which they can *combine all the resources of the community*."

That measure cannot be revolutionary, which is adopted, not with a view to resort to force, but by some decisive measures, to call the attention of the co-States to a disputed question in such a form, as to compel them to decide what are or are not the rights of the States, in a case of a palpable and dangerous infraction of those fundamental principles of liberty in which they all have an interest.

In the exercise of the right of nullification, we are not unmindful of the many objections which have been urged against it. That it may embarrass the present majority in Congress, who are fatally bent upon building up the sectional interests of their constituents, upon the ruin of our commerce, we can readily imagine: but these embarrassments, on examination, will be found to proceed rather from an unwillingness on their part to adjust the controversy on principles of reason and justice, than from any real difficulty existing in the Constitution—The provisions of the Constitution are ample for taking the sense of the States on a question, more important than any which has occurred since the formation of the Government—But if the spirit of justice departs from the councils, to which we have a right to look up as the guardians of the public liberty and the public peace, no provisions of human wisdom can avail—We have heard much of the danger of suffering one State to impede the operations of twenty-three states: but it must be obvious to every considerate man, that the danger can only exist where a state is wrong. If the people of any one State are *right* in the principles for which they contend, it is desirable that they should impede the operations of Congress, until the sentiments of its co-states shall be had. A higher eulogy could not be bestowed upon our system, than the power of resorting to some conservative principle, that shall stay a disruption of the league. It is no argument to say that a State may have no grounds on which to place herself upon her sovereign rights. This is a possible, but by no means a probable case. Experience has given us a most instructive lesson on this very subject—it has taught us that, the danger is not that the State may resort to her sovereign rights too often, but that it will not avail herself of them when necessary. Look, fellow-citizens, to our State:—for ten years we have petitioned and remonstrated against the unconstitutionality of the Tariff Acts, and tho' the conviction has been universal that the effects of the system



would be ruinous to our interests, yet the difficulty has been great, to bring the people to the resisting point.

And so with other objections. It has been maintained by us, that according to the philosophy of the government, and the true spirit of the compact, it becomes Congress in all emergencies like the present, to solicit from the States, the call of a Convention. That upon such a convocation, it should be incumbent on the States claiming the doubtful power, to propose an amendment to the Constitution, giving the doubtful power, and on failure to obtain it by a consent of three fourths of all the States, to regard the power as never intended to be given. We must be understood to say, this that was matter of even implied stipulation, at the formation of the compact. The Constitution is designedly silent on the subject, on account of the extreme difficulty in the minds of its framers of appointing a mode of adjusting these differences. This difficulty we now discover was imaginary. It had its source in apprehensions, which an experience of upwards of forty years has proved to be without the shadow of a foundation. Many of the sages of that day, were dissatisfied with their work for a reason, which is the very opposite of the truth. They feared, not that the General Government would encroach upon the rights of the States, but that the States would perpetually be disposed to pass their boundaries of power, and finally destroy the confederation. Had they been blessed with the experience which we have acquired, there could have been no objection to trusting the States, who created the government, and who would not fully embarrass it, with a veto under certain modifications. It seems but reasonable, that a *disputed* power, which it would have required three fourths of the States to *add* to the Constitution, ought not to be insisted on by a majority in Congress, as *impliedly* conferred, if more more than one fourth should object to it. To deny this, would be to decide finally the validity of a power by a positive majority of the people at large, instead of a concurring majority of the States. There is it is true one objection, and only one to this view, and that is, that under this theory, a majority little beyond the three fourths, as for instance, seven States out of twenty four, might deprive Congress of powers which have been expressly delegated. The answer to this, is that it would be a very extreme case for a single State to claim the resumption of a power, which it had clearly delegated in *positive* terms. But it seems almost beyond the range of possibility, that six other States should be found to sustain a nullifying State in such a pretension. Should such a case ever occur, as one fourth and upwards of the States resolving to break their pledges, without the slightest pretence, it would shew, that it was time to dissolve the league. If a spirit of friendship and fair dealing, cannot bind together the members of this Union, the sooner it is dissolved the better. So that this objection is rather nominal, than substantial. But the evil of this objection is that whilst its admission would relieve us from an imaginary peril, we should be plunged into that certain danger of an unrestricted liberty of Congress to give us instead of a confederated government, a government without any other limitation upon its power than the will of a majority.

Other objections have been urged against nullification. It is said that the President or Congress might employ the military and naval force of the United States to reduce the nullifying State into obedience, and thus produce a civil dissension amongst the members of the confederacy. We do not deem it necessary in a community, so conversant with this part of the subject, as that of South Carolina, to recapitulate the arguments which have been urged against such an improbable course, both for the want of power, and on the ground of expediency. But we cannot pass over one view, which we think sufficient to quiet all apprehension on that score. We live in an age of reason and intellect. The idea of using force on an occasion of this kind, is utterly at variance with the genius and spirit of the American people. In truth, it is becoming repugnant to even to the genius

and spirit of the governments of the old world. We have lately seen in England one of the greatest reforms achieved, which her history records—a reform, which her wisest statesmen twenty years ago, would have predicted could not be accomplished without civil war, brought about by a bloodless revolution. The cause is manifest. Not only are the people every where better informed, but such is the influence which public opinion exerts over constituted authorities, that the rulers of this earth are more swayed by reason and justice than formerly. Under such evident indications of the march of mind and intellect, it would be to pay but a poor compliment to the people of these States, to imagine, that a measure taken by a Sovereign State, with the most perfect good feeling to her confederates, and to the perpetuity of the Union, and with no other view than to force upon its members, the consideration of a most important constitutional question, should terminate otherwise than peaceably.

Fellow-Citizens, it is our honest and firm belief, that nullification will preserve, and not destroy this Union. But we should regret to conceal from you, that if Congress should not be animated with a patriotic and liberal feeling in this conjuncture, they can give to this controversy what issue they please. Admit, then, that there is risk of a serious conflict with the federal government. We know no better way to avoid the chance of hostile measures in our opponents, than to evince a readiness to meet danger, come from what quarter it will. We should think that the American Revolution was indeed to little purpose, if a consideration of this kind, were to deter our people from asserting their sovereign rights. That revolution, it is well known, was not entered into by our Southern ancestors from any actual oppression, which the people suffered. It was a contest waged for PRINCIPLE, emphatically for principle. The calamities of revolution, strife and civil war, were fairly presented to the illustrious patriots of those times, which tried the souls of men. The alternative was either to remain dependant colonies in hopeless servitude, or to become free, sovereign and independent States. To attain such a distinguished rank amongst the nations of the earth, there was but one path, and that the path of glory—the crowning glory of being accounted worthy of all suffering, and of embracing all the calamities of a protracted war abroad, and of domestic evils at home, rather than surrender their liberties. The result of their labors is known to the world, through the flood of light which that revolution has shed upon the science of government, and the rights of man—in the “LESSON it has taught the oppressor, and in the EXAMPLE it has afforded to the oppressed”—in the invigoration of the spirit of freedom every where, and in the amelioration it is producing in the social order of mankind.

Inestimable are the blessings of that well regulated freedom, which permits man to direct his labors and his enterprise to the pursuit or branch of industry to which he conceives nature has qualified him, unmolested by avarice enthroned in power. Such was the freedom for which South Carolina struggled when a dependant colony. Such is the freedom of which she once tasted as the first fruit of that revolutionary triumph which she assisted to achieve. Such is the freedom she reserved to herself on entering into the league. Such is the freedom of which she has been deprived, and to which she must be restored, if her commerce be worth preserving, or the spirit of her Laurens and her Gadsden has not fled forever from our bosoms. It is in vain to tell South Carolina that she can look to any administration of the federal government for the protection of her sovereign rights, or the redress of her southern wrongs. Where the fountain is so polluted, it is not to be expected that the stream will again be pure. The protection to which in all representative governments the people have been accustomed to look, to-wit, the responsibility of the governors to the governed, has proved nerveless and illusory—under such a system, nothing but a radical reform in our political institutions can preserve this union. It is full time that we

should know what rights we have under the federal constitution, and more especially ought we to know whether we are to live under a consolidated government, or a confederacy of States—whether the States be sovereign or their local Legislatures be mere corporations. A FRESH UNDERSTANDING OF THE BARGAIN we deem absolutely NECESSARY. No mode can be devised by which a dispute can be referred to the source of all power, but by some one State taking the lead in the great enterprise of reform. Till some one Southern State tenders to the federal government an issue, it will continue to have its “appetite increased by what it feeds on.” History admonishes us that rulers never have the forecast to substitute, in good time, reform for revolution. They forget that it is always more desirable that the just claims of the governed should break in on them “through well contrived and well disposed windows, not through flaws and breaches, through the yawning chasms of their own ruin.” One State must, under the awful prospects before us, throw herself into the breach in this great struggle for constitutional freedom. There is no other mode of awakening the attention of the co-States to grievances, which, if suffered to accumulate, must dismember the union. It has fallen to our lot, fellow-citizens, first to quit our trenches. Let us go on to the assault with cheerful hearts and undaunted minds.

Fellow-citizens, the die is now cast. We have solemnly resolved on the course which it becomes our beloved State to pursue—we have resolved that until these abuses shall be reformed, **NO MORE TAXES SHALL BE PAID HERE.** “Millions for defence, but not a cent for tribute.” And now we call upon our citizens, native, and adopted, to prepare for the crisis, and to meet it as becomes men and freemen. We call upon all classes and all parties to forget their former differences, and to unite in a solemn determination never to abandon this contest, until such a change be effected in the councils of the nation that all the citizens of this confederacy shall participate, equally, in the benefits and the burthens of the government. To this solemn duty we now invoke you in the name of all that is sacred and valuable to man. We invoke you in the name of that LIBERTY which has been acquired by you from an illustrious ancestry, and which it is your duty to transmit, unimpaired, to the most distant generations. We invoke you in the name of that CONSTITUTION which you profess to venerate, and of that UNION which you are all desirous to perpetuate. By the reverence you bear to these, your institutions—by all the love you bear to liberty—by the detestation you have for servitude—by all the abiding memorials of your past glories—by the proud association of your exalted and your common triumphs in the first and greatest of revolutions—by the force of all those sublime truths which that event has inculcated amongst the nations—by the noble flame of republican enthusiasm which warms your bosoms, we conjure you in this mighty struggle to give your hearts and souls and minds to your injured and oppressed state, and to support her cause, publicly and privately, with your opinions, your prayers and your actions. If appeals such as these prove unavailing, we then **COMMAND YOU! OBEDIENCE** to the laws and the authorities of the State by a title which none can gainsay. We demand it by that allegiance, which is reciprocal, with the protection you have received from the State. We admit of no obedience to any authority, which shall conflict with that primary allegiance, which every citizen owes to the State of his birth or his adoption. There is not, nor has there ever been, “any direct or immediate allegiance between the citizens of South Carolina and the Federal Government. The relation between them is through the State.” South Carolina having entered into the Constitutional compact, as a separate, independent, political community, as has already been stated, has the right to declare an unconstitutional act of Congress, null and void—after her sovereign declaration that the act shall not be enforced



within her limits, "such a declaration is obligatory on her citizens. As far as its citizens are concerned, the clear right of the State is to declare the extent of the obligation." This declaration once made, the citizen has no course, but TO OBEY. If he refuses obedience, so as to bring himself under the displeasure of his only and lawful sovereign, and within the severe pains and penalties, which by her high sovereign power, the Legislature, will not fail to provide in her self-defence, the fault, and the folly must be his own.

And now, fellow-citizens, having discharged the solemn duty, to which we have been summoned, in a crisis big with the most important results to the liberties, peace, safety and happiness of this once harmonious, but now distracted confederacy, we commend our cause to that great Disposer of events, who, (if He has not already, for some inscrutable purposes of His own, decreed otherwise,) will smile on the efforts of truth and justice. We know, that "unless the Lord keepeth the city, the watchman waketh but in vain;" but relying, as we do, in this controversy, on the purity of our *motives*, and the honor of our *ends*, we make this appeal with all the confidence, which in times of trial and difficulty, ought to inspire the breast of the patriot and christian. Fellow-citizens, DO YOUR DUTY, TO YOUR COUNTRY AND LEAVE THE CONSEQUENCES TO GOD.

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## ADDRESS TO THE PEOPLE OF THE UNITED STATES,

BY THE CONVENTION OF THE PEOPLE OF SOUTH CAROLINA.

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### ADDRESS

*To the People of Massachusetts, Virginia, New-York, Pennsylvania, North Carolina, Maryland, Connecticut, Vermont, New-Hampshire, Maine, New-Jersey, Georgia, Delaware, Rhode Island, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri.*

We, the people of South Carolina, assembled in Convention, have solemnly and deliberately declared, in our paramount sovereign capacity, that the act of Congress approved the 19th day of May 1828, and the act approved the 14th July 1832, altering and amending the several acts imposing duties on imports, are unconstitutional, and therefore, absolutely void, and of no binding force within the limits of this State; and for the purpose of carrying this declaration into full and complete effect, we have invested the Legislature with ample powers, and made it the duty of all the functionaries and all the citizens of the State, on their allegiance, to co-operate in enforcing the aforesaid declaration.

In resorting to this important measure, to which we have been impelled by the most sacred of all the duties which a free people can owe either to the memory of their ancestors or to the claims of their posterity, we feel that it is due to the intimate political relation which exists between South Carolina and the other States of this confederacy, that we should present a clear and distinct exposition of the principles on which we have acted, and of the causes by which we have been reluctantly constrained to assume this attitude of sovereign resistance in relation to the usurpations of the federal government.

For this purpose it will be necessary to state, briefly, what we conceive to be the relation created by the federal Constitution, between the States and the general government; and also, what we conceive to be

the true character and practical operation of the system of protecting duties, as it affects our rights, our interests and our liberties.

We hold, then, that on their separation from the Crown of Great Britain, the several Colonies became free and independent States, each enjoying the separate and independent right of self-government; and that no authority can be exercised over them or within their limits, but by their consent, respectively given as States. It is equally true, that the Constitution of the United States is a compact formed between the several States, acting as sovereign communities; that the government created by it is a joint agency of the States, appointed to execute the powers enumerated and granted by that instrument; that all its acts not intentionally authorised, are of themselves essentially null and void, and that the States have the right, in the same sovereign capacity in which they adopted the federal Constitution, to pronounce, in the last resort, authoritative judgment on the usurpations of the federal government, and to adopt such measures as they may deem necessary and expedient to arrest the operation of the unconstitutional acts of that government, within their respective limits. Such we deem to be the inherent rights of the States—rights, in the very nature of things, absolutely inseparable from sovereignty. Nor is the duty of a State, to arrest an unconstitutional and oppressive act of the federal government, less imperative, than the right is incontestible. Each State, by ratifying the federal Constitution, and becoming a member of the confederacy, contracted an obligation to “protect and defend” that instrument, as well by resisting the usurpations of the federal government, as by sustaining that government in the exercise of the powers actually conferred upon it. And the obligation of the oath which is imposed, under the Constitution, on every functionary of the States, to “preserve, protect, and defend” the federal Constitution, as clearly comprehends the duty of protecting and defending it against the usurpations of the federal government, as that of protecting and defending it against violation in any other form, or from any other quarter.

It is true, that in ratifying the federal Constitution, the States placed a large and important portion of the rights of their citizens under the joint protection of all the States, with a view to their more effectual security; but it is not less true that they reserved a portion still larger and not less important, under their own immediate guardianship, and in relation to which their original obligation to protect their citizens, from whatever quarter assailed, remains unchanged and undiminished.

But clear and undoubted as we regard the right, and sacred as we regard the duty of the States to interpose their sovereign power for the purpose of protecting their citizens from the unconstitutional and oppressive acts of the Federal Government, yet we are as clearly of the opinion, that nothing short of that high moral and political necessity, which results from acts of usurpation, subversive of the rights and liberties of the people, should induce a member of this confederacy to resort to this interposition. Such, however, is the melancholy and painful necessity under which we have declared the acts of Congress imposing protecting duties, null and void within the limits of South Carolina. The spirit and the principles which animated your ancestors and

ours, in the councils and in the fields of their common glory, forbid us to submit any longer to a system of legislation, now become the established policy of the Federal Government, by which we are reduced to a condition of colonial vassalage, in all its aspects more oppressive and intolerable than that from which our common ancestors relieved themselves by the war of the revolution. There is no right which enters more essentially into a just conception of liberty, than that of the free and unrestricted use of the productions of our industry. This clearly involves the right of carrying the productions of that industry wherever they can be most advantageously exchanged, whether in foreign or domestic markets. South Carolina produces, almost exclusively, agricultural staples, which derive their principal value from the demand for them in foreign countries. Under these circumstances, her natural markets are abroad; and restrictive duties imposed upon her intercourse with those markets, diminish the exchangeable value of her productions very nearly to the full extent of those duties.

Under a system of free trade, the aggregate crop of South Carolina could be exchanged for a larger quantity of manufactures, by at least one third, than it can be now exchanged for under the protecting system. It is no less evident, that the value of that crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures which can be obtained for it is diminished. It is, indeed, strictly and philosophically true, that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self-evident. If the protecting duties were repealed, one hundred bales of cotton or one hundred barrels of rice would purchase as large a quantity of manufactures, as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessities and comforts and luxuries of life, would be increased in a corresponding degree.

Almost the entire cotton crop of South Carolina, amounting annually to more than six millions of dollars, is ultimately exchanged either for foreign manufactures, subject to protecting duties, or for similar domestic manufactures. The *natural* value of that crop would be all the manufactures which we could obtain for it under a system of unrestricted commerce. The *artificial* value, produced by the unjust and unconstitutional legislation of Congress, is only such part of those manufactures as will remain after paying a duty of fifty per cent. to the Government, or, to speak with more precision, to the Northern manufacturers. To make this obvious to the humblest comprehension, let it be supposed that the whole of the present crop should be exchanged, by the planters themselves, for those foreign manufactures, for which it is destined, by the inevitable course of trade, to be ultimately exchanged, either by themselves or their agents. Let it be also assumed, in conformity with the facts of the case, that New-Jersey, for example, produces, of the very same description of manufactures, a quantity equal to that which



is purchased by the cotton crop of South Carolina. We have, then, two States of the same confederacy, bound to bear an equal share of the burthens, and entitled to enjoy an equal share of the benefits of the common government, with precisely the same quantity of productions, of the same quality and kind, produced by their lawful industry. We appeal to your candor, and to your sense of justice, to say whether South Carolina has not a title as sacred and indefeasible to the full and undiminished enjoyment of these productions of her industry, acquired by the combined operations of agriculture and commerce, as New Jersey can have to the like enjoyment of similar productions of her industry, acquired by the process of manufacture? Upon no principle of Constitutional right—upon no principle of human reason or justice, can any discrimination be drawn between the titles of South Carolina and New-Jersey to these productions of their capital and labor. Yet what is the discrimination actually made by the unjust, unconstitutional and partial legislation of Congress? A duty, on an average, of fifty per cent is imposed upon the productions of South Carolina, while no duty at all is imposed upon the similar productions of New-Jersey! The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina are worth, annually, three millions of dollars less to her citizens than the very same quantity of the very same description of manufactures are worth to the citizens of New-Jersey—a difference of value produced exclusively by the operation of the protecting system.

No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. For even if the planters of South Carolina, in the case supposed, were to sell and not consume these productions of their industry, it is plain that they could obtain no higher price for them, after paying duties to the amount of \$3,000,000, than the manufacturers of New-Jersey would obtain for the same quantity of the same kind of manufactures, without paying any duty at all.

This single view of the subject exhibits the enormous inequality and injustice of the protecting system in such a light, that we feel the most consoling confidence that we shall be fully justified by the impartial judgment of posterity, whatever may be the issue of this unhappy controversy. We confidently appeal to our confederate states, and to the whole world, to decide whether the annals of human legislation furnish a parallel instance of injustice and oppression perpetrated under the forms of a free government. However it may be disguised by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of, taking three millions of dollars annually, from the value of the productions of South Carolina and transferring it to the people of other and distant communities. No human government can rightfully exercise such a power. It violates the eternal principles of natural justice, and converts the government into a mere instrument of legislative plunder. Of all the governments on the face of the earth, the Federal Government has the least shadow of a constitutional right to exercise such a power. It was created principally, and almost exclusively, for the purpose of protecting, improving and extending that very

commerce, which, for the last ten years, all its powers have been most unnaturally and unrighteously perverted to cripple and destroy. The power to "regulate commerce with foreign nations," was granted obviously for the preservation of that commerce. The most important of all the duties which the Federal Government owes to South Carolina, under the compact of Union, is the protection and defence of her foreign commerce, against all the enemies by whom it may be assailed. And in what manner has this duty been discharged? All the powers of the earth, by their commercial restrictions, and all the pirates of the ocean, by their lawless violence, could not have done so much to destroy our commerce, as has been done by that very Government, to which its guardianship has been committed by the Federal Constitution. The commerce of South Carolina consists in exchanging the staple productions of her soil for the manufactures of Europe. It is a lawful commerce. It violates the rights of no class of people in any portion of the confederacy. It is this very commerce, therefore, which the constitution has enjoined it upon Congress to encourage, protect and defend, by such regulations as may be necessary to accomplish that object. But instead of that protection, which is the only tie of our allegiance, as individual citizens, to the Federal Government, we have seen a gigantic system of restrictions gradually reared up, and at length brought to a fatal maturity, of which it is the avowed object and must be the inevitable result, to sweep our commerce from the great highway of nations, and cover our land with poverty and ruin.

Even the states most deeply interested in the maintenance of the protecting system will admit, that it is the interest of South Carolina to carry on a commerce of exchanges with foreign countries, free from restrictions, prohibitory burthens or incumbrances of any kind. We feel, and we know, that the vital interests of the State, are involved in such a commerce. It would be a downright insult to our understandings, to tell us that our interests are not injured, deeply injured, by those prohibitory duties, intended and calculated to prevent us from obtaining the cheap manufactures of foreign countries for our staples, and to compel us to receive for them the dear manufactures of our domestic establishments, or pay the penalty of the protecting duties for daring to exercise one of the most sacred of our natural rights. What right, then, human or divine, have the manufacturing states—for we regard the Federal Government, as a mere instrument in their hands—to prohibit South Carolina, directly, or indirectly, from going to her natural markets; and exchanging the rich productions of her soil, without restriction or incumbrance, for such foreign articles as will most conduce to the wealth and prosperity of her citizens? It will not surely be pretended—for truth and decency equally forbid the allegation—that in exchanging our productions for the cheaper manufactures of Europe, we violate any right of the domestic manufacturers, however gratifying it might be to them, if we would purchase their inferior productions at higher prices.

Upon what principle, then, can the State of South Carolina be called upon to submit to a system, which excludes her from her natural markets and the manifold benefits of that enriching commerce which a kind and beneficent Providence has provided to connect her with the family

of nations, by the bonds of mutual interest? But one answer can be given to his question. It is in vain that we attempt to disguise the fact, mortifying as it must be, that the principle by which South Carolina is thus excluded, is in strict propriety of language, and to all rational intents and purposes, a principle of colonial dependence and vassalage, in all respects, identical with that which restrained our forefathers from trading with any manufacturing nation of Europe, other than Great Britain. South Carolina now bears the same relation to the manufacturing states of this confederacy, that the Anglo American colonies bore to the mother country, with the single exception that our burthens are incomparably more oppressive than those of our ancestors. Our time, our pride and the occasion, equally forbid us to trace out the degrading analogy. We leave that to the historian who shall record the judgment which an impartial posterity will pronounce upon the eventful transactions of this day.

It is in vain that we attempt to console ourselves by the empty and unreal mockery of our representation in Congress. As to all those great and vital interests of the state, which are affected by the protecting system, it would be better that she had no representation in that body. It serves no other purpose but to conceal the chains which fetter our liberties under the vain and empty forms of a representative Government. In the enactment of the protecting system, the majority of Congress, is in strict propriety of speech, an irresponsible despotism. A very brief analysis will render this clear to every understanding. What then, we ask, is involved in the idea of political responsibility, in the imposition of public burthens? It clearly implies that those who impose the burthens, should be responsible to those who bear them.—Every representative in Congress should be responsible, not only to his own immediate constituents, but through them and their common participation in the burthens imposed, to the constituents of every other representative. If in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burthens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised against oppressive legislation.

But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties, which are utterly destructive of the interests of South Carolina, not only impose no burthens, but actually confer enriching bounties upon their constituents, proportioned to the burthens they impose on us. Under these circumstances, the principle of representative responsibility, is perverted into a principle of absolute despotism. It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles, in their individual capacities.

The grave question, then, which we have had to determine, as the sovereign power of the State, upon the awful responsibility under which



we have acted, is, whether we will voluntarily surrender the glorious inheritance, purchased and consecrated by the toils, the sufferings and the blood of an illustrious ancestry, or transmit that inheritance to our posterity, untarnished and undiminished? We could not hesitate in deciding this question. We have, therefore, deliberately and unalterably resolved, that we will no longer submit to a system of oppression, which reduces us to the degrading condition of tributary vassals; and which would reduce our posterity, in a few generations, to a state of poverty and wretchedness, that would stand in melancholy contrast with the beautiful and delightful region, in which the Providence of God has cast our destinies. Having formed this resolution, with a full view of its bearings, and of all its probable and possible issues, it is due to the gravity of the subject, and the solemnity of the occasion, that we should speak to our confederate brethren, in the plain language of frankness and truth.— Though we plant ourselves upon the Constitution, and the immutable principles of justice, and intend to operate exclusively through the civil tribunals and civil functionaries of the State; yet, we *will* throw off this oppression, *at every hazard*. We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority, to act against a sovereign State of the Confederacy, in any form, much less to coerce it, by military power. But we are aware of the diversities of human opinion; and have seen too many proofs of the infatuation of human power, not to have looked with the most anxious concern, to the possibility of a resort to military or naval force on the part of the Federal Government—and in order to obviate the possibility of having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved, that we will regard such a resort as a dissolution of the political ties which connect us with our confederate States; and will, forthwith, provide for the organization of a new and separate Government.

We implore you, and particularly the manufacturing States, not to believe that we have been actuated, in adopting this resolution, by any feeling of resentment, or hostility, towards them; or by a desire to dissolve the political bonds, which have so long united our common destinies. We still cherish that rational devotion to the Union, by which this State has been pre-eminently distinguished, in all times past. But that blind and idolatrous devotion, which would bow down and worship Oppression and Tyranny, veiled under that consecrated title—if it ever existed among us, has now vanished forever. CONSTITUTIONAL LIBERTY is the only idol of our political devotion; and, to preserve that, we will not hesitate a single moment, to surrender the Union, itself, if the sacrifice be necessary. If it had pleased God to cover our eyes with ignorance—if He had not bestowed upon us the understanding to comprehend the enormity of the oppression under which we labor—we might submit to it, without absolute degradation and infamy. But the gifts of Providence cannot be neglected, or abused, with impunity. A people, who deliberately submit to oppression, with a full knowledge that they are oppressed, are fit only to be slaves; and all history proves, that such a people will soon find a master. It is the pre-existing spirit of slavery, in the people, that has made tyrants in all ages of the world. No tyrant ever

made a slave—no community, however small, having the spirit of freemen, ever yet had a master. The most illustrious of those States, which have given to the world examples of human freedom, have occupied Territories, not larger than some of the Districts of South Carolina; while the largest masses of population, that were ever united under a common government, have been the abject, spiritless and degraded slaves of despotic rulers. We sincerely hope, therefore, that no portion of the States of this Confederacy, will permit themselves to be deluded into any measures of rashness, by the vain imagination, that South Carolina will vindicate her rights and liberties, with a less inflexible and unfaltering resolution, with a population of some half a million, than she would do with a population of twenty millions.

It does not belong to Freemen to count the costs and calculate the hazards of vindicating their rights and defending their liberties; and even if we should stand alone in the worst possible emergency of this great controversy, without the co-operation or encouragement of a single State of the confederacy, we will march forward with unfaltering step, until we have accomplished the object of this great enterprise.

Having now presented, for the consideration of the Federal Government and our confederate States, the fixed and final determination of this State in relation to the protecting system, it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a spirit of liberal concession, provided we are met in due time and in a becoming spirit by the States interested in the protection of manufactures.

We believe that upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties, should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate should be imposed upon all similar articles manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made, in a system of indirect taxation. No substantial reason can be given for subjecting manufactures obtained from abroad in exchange for the productions of South Carolina to the smallest duty, even for revenue, which would not show that similar manufactures made in the United States, should be subject to the very same rate of duty. The former, not less than the latter, are, to every rational intent, the productions of domestic industry, and the mode of acquiring the one, is as lawful and more conducive to the public prosperity, than that of acquiring the other.

But we are willing to make a large offering to preserve the Union; and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for Constitutional purposes, and provided also, that a duty, substantially uniform, be imposed upon all foreign imports.

It is obvious, that even under this arrangement, the manufacturing States would have a decided advantage over the planting States. For it is demonstrably evident, that, as communities, the manufacturing



States would bear no part of the burthens of Federal Taxation, so far as the revenue should be derived from protected articles. The earnestness with which their representatives seek to increase the duties on these articles, is conclusive proof that those duties are bounties, and not burthens, to their constituents. As at least two-thirds of the federal revenue would be raised from protected articles, under the proposed modification of the Tariff, the manufacturing States would be entirely exempted from all participation in that proportion of the public burthens.

Under these circumstances we cannot permit ourselves to believe for a moment, that in a crisis marked by such portentous and fearful omens, those States can hesitate in acceding to this arrangement, when they perceive that it will be the means, and possibly the only means of restoring the broken harmony of this great confederacy. They most assuredly have the strongest of human inducements, aside from all considerations of justice, to adjust this controversy, without pushing it to extremities. This can be accomplished only by the proposed modification of the Tariff, or by the call of a general Convention of all the States. If South Carolina should be driven out of the Union, all the other planting States, and some of the Western States, would follow almost by an absolute necessity. Can it be believed, that Georgia, Mississippi, Tennessee, and even Kentucky, would continue to pay a tribute of fifty per cent. upon their consumption, to the Northern States, for the privilege of being united to them, when they could receive all their supplies through the ports of South Carolina, without paying a single cent of tribute?

The separation of South Carolina would inevitably produce a general dissolution of the Union; and as a necessary consequence, the protecting system, with all its pecuniary bounties to the Northern States, and its pecuniary burthens upon the Southern States, would be utterly overthrown and demolished, involving the ruin of thousands and hundreds of thousands in the manufacturing States.

By these powerful considerations connected with their own pecuniary interests, we beseech them to pause and contemplate the disastrous consequences which will certainly result from an obstinate perseverance on their part, in maintaining the protecting system. With them, it is a question merely of pecuniary interest, connected with no shadow of right, and involving no principle of liberty. With us, it is a question involving our most sacred rights—those very rights which our common ancestors left to us as a common inheritance purchased by their common toils and consecrated by their blood. It is a question of liberty on the one hand, and slavery on the other. If we submit to this system of unconstitutional oppression, we shall voluntarily sink into slavery, and transmit that ignominious inheritance to our children. We will not, we cannot, we dare not submit to this degradation, and our resolve is fixed and unalterable, that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position.

We have not the slightest apprehension that the general government will attempt to force this system upon us by military power. We have warned our brethren of the consequences of such an attempt. But if,



notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen than the habitation of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and if it must fall, we will perish amidst the ruins.

J. HAMILTON, Jr. *Pres't of the Convention.*

(*Attest.*)—ISAAC W. HAYNE, *Clerk.*

*Ordered,* That they be laid on the table, and that the public printer forthwith print fifteen hundred copies of said communication and documents, for the use of the Senate.

The Governor, by the Secretary of State, communicated to the Senate a nomination; the rule being dispensed with, it was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Nehemiah Board, to be commissioned Sheriff of Breckenridge county, in the place of James Barclay, deceased.

JOHN BREATHITT.

*December 22, 1832.*

*Resolved,* That the Senate advise and consent to the said appointment; and that Mr. Churchill inform the Governor thereof.

Mr. Campbell, from the committee appointed for that purpose, reported a bill for the benefit of the Cumberland Hospital; which was read the first time, and ordered to be read a second time.

The rule being dispensed with, it was read a second time, and referred to the committee of finance.

At 11 o'clock, A. M. Mr. Murrell moved, that the Senate do now adjourn.

And the question being taken thereon, it was decided in the affirmative—Yeas 14, Nays 6.

The yeas and nays being required, by Messrs. Fleming and Gholson, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Cunningham, Dejanatt, Dougherty, George, Gholson, Griffith, Murrell, Parks, Payne, Rodman—14.

NAYS—Messrs. Beatty, Campbell, Fleming, James, Sisk, Wood—6.

And then the Senate adjourned.

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MONDAY, DECEMBER 31.

The Senate assembled.

Mr. David K. Harris, a member of the Senate from the counties of Floyd, Morgan and Pike, appeared and took his seat.

Mr. Brown presented the petition of the county court of Jessamine county, praying that a law may pass, giving liberty to transmit to the Fayette county jail, all persons required by law to be committed to jail in their county for safe keeping, until the jail of Jessamine county shall be completed.

Mr. Griffith presented the petition of John J. Smith, guardian for Tabitha O. Smith and Mary Isabella Smith, and of William J. Smith, and others, praying that a law may pass, authorising the sale of certain lands and slaves.

Which petitions were received, read, and referred; the former to a select committee of Messrs. Brown, Wickliffe and Thornton; and the latter to the committee of courts of justice.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to change the place of voting in the Caney precinct in the county of Ohio.

An act for the benefit of Lourisey Clifford.

An act to establish the town of Washingtonport, in the county of Russell.

An act for the benefit of William R. McFerrin, and others; and

An act to incorporate the Franklin Insurance Company.

And that they had passed a bill from the Senate, entitled, an act for the benefit of the head-right and Tellico settlers.

An engrossed bill, entitled, an act to prevent the circulation of certain bank notes, was read the third time, and re-committed to a committee of Messrs. Fleming, Hardin, Taylor, Guthrie and Churchill.

Bills from the House of Representatives, of the following titles, viz:

An act to connect the towns of Newport and Covington with Cincinnati, by a bridge; and

An act for the benefit of Dorcas Worley;

Were each read the second time; the former was committed to the committee of internal improvements; and the latter ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the latter bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined an enrolled bill, entitled, an act to authorise the sale of certain lands of Edmund H. Taylor, and had found the same truly enrolled; that said bill had been signed by the Speaker of the House of Representatives, whereupon the Speaker of the Senate affixed his signature thereto; and it was delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

A bill, to add a part of the county of Oldham to the county of Shelby, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Tabitha D. Price,

An act for the benefit of Rebecca Hill,

An act for the benefit of Joanna Milner; and

An act for the benefit of Lourisey Clifford,

Were severally read the first time; and the question being taken on reading them a second time, it was decided in the negative: and so the said bills were disagreed to.

Bills from the House of Representatives of the following titles, viz:

1. An act to change the place of voting in the Caney precinct in the county of Ohio.

2. An act to establish the town of Washingtonport, in the county of Russell; and

3. An act for the benefit of William R. McFerrin, and others,

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second and third bills having been dispensed with; the second was committed to the committee of courts of justice; and the third to a committee of Messrs. Murrell, Hardin and Churchill.

The rule of the Senate, constitutional provision, and second and third readings of the first bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Churchill, leave was given to bring in a bill, to regulate the election precincts in Hardin and Meade counties; and Messrs. Churchill, Hardin and Griffith, were appointed a committee to prepare and bring in the same.

Mr. Beatty, from the committee appointed for that purpose, reported a bill to repeal the law now in existence, in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors, to the purposes of internal improvements.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.



The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Wingate in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to amend the several acts against unlawful gaming, and had made some progress therein; but not having time to go through the same, had directed him to ask leave to sit again; which was accordingly granted.

And then the Senate adjourned.

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*TUESDAY, JANUARY 1.*

The Senate assembled.

1. Mr. Bibb presented the petition of sundry citizens, praying that a law may pass chartering a Coal company at Louisville.

2. Mr. Beatty presented the remonstrance of sundry citizens of Wayne county, against the formation of a new county out of a part of the counties of Cumberland and Wayne.

3. Mr. Harris presented the petition of sundry citizens of Bath county, praying that a law may pass, placing that part of the road to the mouth of Big Sandy within said county, under the same regulations as that part of said road east of John M. Rice's.

4. Mr. W. Owsley presented the petition of the executor and devisees of Richard Allen, deceased, (the infant devisees by their guardian,) praying that a law may pass authorising the sale of two slaves.

5. Mr. H. Owsley presented the petition of John H. Burnum, praying that a law may pass, to refund to him ten dollars which he paid for a tavern license, he having declined keeping a tavern after obtaining the license.

6. Mr. Harris presented the petition of the administrators of the estate of James Honaker, jr. deceased, praying that a law may pass, authorising the sale of several tracts of land in Pike county, of which the said Honaker died seized, for the purpose of paying his debts.

7. Mr. Wingate presented the petition of G. B. Vallandigham, praying that an alteration be made in the state road, leading from Lexington to Ghent, where the same passes through his land.

8. Mr. Wickliffe, presented the petition of Robert M. Walsh, and others, children and heirs of Ann Maria Walsh, deceased, the infant heirs by their guardian Robert Walsh, praying that a law may pass, authorising the partition, sale and conveyance, of certain tracts of land in this commonwealth, which descended to them from the said Ann Maria Walsh; and

9. Mr. Sisk presented the petition of sundry persons, owners of land adjoining the town of Madisonville, in Hopkins county, praying that their land may be added to said town.

Which were received and referred: the first, sixth and eighth; to the committee of courts of justice; the second, to the committee of propositions and grievances; the third and seventh, to the committee of internal improvements; the fourth, to a committee of Messrs. W. Owsley, George and Gholson; the fifth, to the committee of finance; and the ninth, to a committee of Messrs. Sisk, Campbell and Cunningham.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to amend the law of evidence in prosecutions for forgery.

An act to provide for the collection of fines, recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.

An act to authorise the county court of Scott county to increase the allowance to patroles of said county.

An act to authorise the sale of a street in Russellville.

An act for the benefit of Daniel M. Kittinger.

An act changing the boundary lines of the 72d Regiment, K. M.

An act to authorise the county court of Hardin county to purchase one hundred additional acres of land, for the poor-house established in said county; and

An act concerning the town of Adairsville.

And that they had concurred in the amendments, proposed by the Senate, to a bill from that house, entitled, an act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clark,

A bill to authorise the Clarke circuit court, to decree the sale of two and one-half acres of land, devised to William S. Downy, and others; and

On the motion of Mr. Campbell,

A bill for the benefit of the sheriff of Hickman county.

Messrs. Clark, Thornton, H. Owsley and Murrell, were appointed a committee to prepare and bring in the former; and Messrs. Campbell, James and Wingate, the latter bill.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. James—A bill to reduce the price of the vacant lands West of the Tennessee river, and to protect the actual settlers in said land district.

By Mr. Clark—A bill to authorise the Clarke circuit court to decree the sale of two and one-half acres of land, devised to William S. Downy, and others.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the former, and second and third readings of the latter bill, having been dispensed with: the former was committed to the committee of finance; and the latter being engrossed,

*Resolved*, That the latter bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate read, and laid on the table, the following resolution, viz:

*Resolved*, by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the Senate, and six from the House of Representatives, be appointed to examine the condition of the Government House and appurtenances thereunto belonging, and report the condition of the same: and whether, in their opinion, it is necessary that the same should undergo any repairs: together with such other information, touching and concerning this subject, as they in their discretion may think proper.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read, and adopted.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act in relation to the towns of Cynthiana and Lawrenceburg.

An act to legalise the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

An act to change the constable's district in the 1st battalion and 88th regiment, K. M., and to change a constable's district in the county of Estill.

An act to authorise the erection of gates across that part of the old Iron-works road, between the houses of Andrew Gudgeon and John Harper, in Bath county.

An act to change the place of voting in an election precinct, in Montgomery county, from Robert Gay's to John L. Martin's, and for other purposes.

An act to regulate election precincts in certain counties.

An act to amend the laws concerning the Lunatic Asylum.

An act to allow the Independent Banks of this commonwealth further time to settle their concerns.

An act to change the time of holding the Spencer circuit and county courts, and the county court of Shelby.

An act for the benefit of Allen Taylor.

An act for the benefit of Henry Waddle.

An act for the benefit of the Boone Academy.

An act for the benefit of George Coleman, and others.

An act for the benefit of Gabriel Gaines' heirs; and



An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county.

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives, whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

Mr. Churchill read, and laid on the table, a joint resolution, fixing a day for the election of public officers.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Wingate in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Wingate reported that the committee had, according to order, had under consideration, a bill to amend the several acts against unlawful gaming, and a bill to amend the laws relating to public officers, and for other purposes; and had gone through the same, and made sundry amendments to the former bill, which he handed in at the clerk's table; and that they had come to the following resolution on the latter bill, viz:

*Resolved*, That the said bill ought not to pass;

The said amendments were twice read and concurred in.

The 9th Section of the former bill is as follows, viz:

SEC. 9. *Be it further enacted*, That every person who shall be convicted of being a *keeper* of a faro table, or other table or instrument used, and at which money is won or lost, contrary to the laws in force prohibiting unlawful gaming, shall be guilty of a high misdemeanor, and shall be deprived of the right of suffrage, and of holding any office of trust or profit in this commonwealth.

Mr. Fleming moved to amend the said section, by inserting the words "or better on," after the words "keeper of," printed in italics.

And the question being taken thereon, it was decided in the negative; and so the said amendment was rejected.

The yeas and nays being required thereon, by Messrs. Wickliffe and Dejarnatt, were as follows, viz:

YEAS—Messrs. Beaseman, Dejarnatt, Fleming, James, Payne, Rudd, Thornton—7.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dougherty, George, Gholson, Griffith, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Rodman, Sisk, Taylor, Thompson, Wickliffe, Wingate, Wood—25.

The question was then taken on engrossing the said bill, and reading it a third time, and it was decided in the affirmative:

The yeas and nays being required thereon, by Messrs. Rudd and Beaseman, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, George, Gholson, Griffith, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe, Wingate, Wood—22.

NAYS—Messrs. Beaseman, Cunningham, Dejarnatt, Dougherty, Fleming, James, Rodman, Rudd, Sisk, Thompson—10.

Thereupon the rule of the Senate, constitutional provision,<sup>7</sup> and third reading of the said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dougherty and Rudd, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, George, Gholson, Griffith, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe, Wingate, Wood—22.

NAYS—Messrs. Beaseman, Cunningham, Dejarnatt, Dougherty, Fleming, James, Rodman, Rudd, Sisk, Thompson—10.

*Resolved*, That the title of the said bill be as aforesaid.

A message was received from the Governor, by Mr. Sanders, secretary of state, announcing that the Governor did, on the 22d ultimo, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:

An act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes; and

An act continuing in force the law providing for the appointment of commonwealth's attorneys.

And then the Senate adjourned.

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### WEDNESDAY, JANUARY 2.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 20th ultimo, approve and sign an enrolled bill, which originated in this house, of the following title, viz:

An act for the benefit of Louisa Meriwether.

And on the 22d ultimo, enrolled bills, which originated in the same, of the following titles, viz:

An act for the benefit of James Parish.

An act for the benefit of Dicey Fletcher.

An act for the benefit of John Cook.

An act to authorise the sale of a part of the real estate of Edward Clark, deceased, to pay his debts.

An act for the benefit of Mary Goodwin.

An act for the benefit of the sheriff of Scott county, and for other purposes.

An act to regulate the fines and forfeitures of Russell county.

An act to amend an act, requiring tavern keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved December 22, 1831.

An act authorising the county courts of Jessamine, and other counties, to appoint in their respective counties additional constables and justices of the peace.

And on the 31st of the same,

An act to authorise the sale of certain lands of Edmund H. Taylor.

That they had passed a bill, entitled, an act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

And that they have adopted a resolution for appointing joint committees to examine the public offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

1. Mr. Guthrie presented the petition of sundry citizens of Bullitt and Hardin counties, praying that the act incorporating the Rolling fork bridge company, passed at the last session of the General Assembly, may be amended, so as to authorise the said bridge to be built but ten feet above high water mark.

2. Mr. Boyd presented the petition of Jane Pemberton, praying a divorce from her husband, Henry Pemberton.

3. Mr. Churchill presented the petition of sundry citizens of Meade county, praying that a law may pass, changing an election precinct in said county.

4. Mr. Dougherty presented the petition of sundry citizens of Gallatin and Owen counties, praying a change in the state road from Lexington to Ghent, where the same passes through the lands of Robert Sanders, in Gallatin county; and

5. Mr. Beatty presented the petition of Elizabeth Barnes, and others, praying that a law may pass, allowing her the sum allowed by law for keeping a lunatic in the asylum, for keeping her husband, John Barnes, who is a lunatic.

The said petitions were received and referred: the second, to the committee of religion; the third, to a committee of Messrs. Churchill, Hardin and Griffith; the first and fourth, to the committee of internal improvements; and the fifth, to the committee of finance.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for



the benefit of Jane Deason, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought *not* to pass.

The said bill is as follows, viz:

Whereas, it appears that Jane Deason is a poor widow, having a large and helpless family to maintain, and being unable to enter the tract of land on which she resides, which appears to be of but little value—Wherefore,

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Jane Deason to locate and enter with the Receiver of Public Moneys, in the district of country West of the Tennessee river, the South East quarter of section thirty-four, township three, range three East, (the same being the quarter section of land on which she resides,) free from the payment of the state price: which land, when entered, shall be vested in the said Jane Deason and her heirs forever.

Mr. James moved to amend the said resolution, by striking out the word "*not*."

And the question being taken on adopting the said amendment, it was decided in the negative; and so the said resolution was concurred in, and the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Hardin and James, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Campbell, Harris, James, Murray, Rodman—8.

NAYS—Messrs. Boyd, Brown, Churchill, Clark, Cunningham, Dejar-natt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—24.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, entitled, an act for the benefit of Polly Campbell; and an act for the benefit of Abner W. Smith, former sheriff of Caldwell county; reported the same with the following resolution thereon, viz:

*Resolved*, That the said bills ought not to pass;

Which was twice read and concurred in; and so the said bills were disagreed to.

Mr. Brown, from the committee on the Penitentiary, made the following report, viz:

The standing committee of the Senate on the Penitentiary, submit the following report:

They have examined that Institution, and find the convicts to be as well provided for as the nature of their situation requires, or admits of, and their appearance indicates health and cleanliness. The discipline of the Institution appears regular and exact through-

out; and the committee are gratified in being able to report, that the Institution is in a healthy and prosperous condition.

The committee feel it their duty to report that, in consequence of assiduous attention to business, or some other cause, the present worthy and efficient keeper's health has so declined, that he feels it due to himself and the Commonwealth, to ask the Legislature to rescind his contract, and permit him to retire from his duties, as keeper of the Penitentiary, on the 1st of August next. The committee therefore recommend the adoption of the following resolution, viz:

*Resolved*, That a law ought to pass providing for the closing the accounts of the keeper of the Penitentiary, *rescinding* his contract as keeper, and appointing a successor.

The said resolution was twice read, amended by striking out the word "*rescinding*," and inserting in lieu thereof "*terminating*," and concurred in.

*Ordered*, That the said committee prepare and bring in a bill pursuant thereto.

On the motion of Mr. Wickliffe, the committee of courts of justice was discharged from the further consideration of the resolution, directing them to enquire into the propriety of repealing or amending the law, allowing the circuit courts to decree divorces, and of amending the laws allowing alimony; and from the duty of preparing and bringing in a bill for the benefit of the heirs of Samuel Stubbins, deceased.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill to dissolve the Lexington Seminary, and to vest the funds of the institution in the mayor and council of the city of Lexington, reported the same with the following resolution thereon, viz:

*Resolved*, That it is inexpedient, at this time, to legislate upon the petition of the mayor and council of the city of Lexington, and that the said bill ought not to pass.

The said resolution and bill were laid on the table.

Mr. Wickliffe read, and laid on the table, the following resolutions, viz:

Whereas, the lands belonging to the United States, within the boundary of the thirteen United States, were conquered from the crown of Great Britain by the united valor and sacrifices of all the States, and were, by the respective States within which they lie, as a reward to the whole people of the United States, for such sacrifices of blood and treasure, conveyed to the National Government, in trust for the whole people of these United States: And whereas, the public lands lying within the country called Louisiana, were purchased from the Emperor of France, by the Government of the United States, in trust, and for the whole people of the United States, and the price paid was from the treasury and the property of all the people of the United States,—

*Resolved, therefore,* That the public lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore the Congress of the United States have no right to cede such lands to such States, or any of them; or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the States.

*Resolved,* That, so soon as the national debt is paid off, all moneys arising from the sales of the public lands, after defraying the expenses incident to the sales, ought to be distributed among the several States according to the federal numbers of each State.

*Resolved,* That the Legislature of the State of Kentucky deem a national bank indispensable to the maintenance of a sound, wholesome, and convenient currency, and that the nation cannot dispense with such a bank, without a certain prospect of private and public distress; and, therefore, instruct their Senators, and request their Representatives, in the Congress of the United States, to use all just and constitutional means, to sustain the Bank of the United States, in its credit and usefulness, and in all its rights and privileges, under its charter; and do further instruct their Senators, and request their Representatives, to use their best endeavors to procure, and that they vote for, the passage of an act of Congress re-chartering said Bank.

*Resolved, further,* That the Legislature of the State of Kentucky have seen with surprise, and view with regret, the efforts made by the President of the United States and the Secretary of the Treasury, to embarrass the Bank of the United States in its operations; thereby forcing unnecessarily the Bank to withdraw its funds from circulation and to reduce its discounts, to the great oppression of its debtors and to the injury of every branch of trade and labour.

*Resolved,* That the Legislature of Kentucky highly disapprove of the conduct of the President of the United States, and that of the Secretary of the Treasury, in their efforts to destroy the credit and standing of the Bank of the United States, by representing, or insinuating, that said institution is insolvent, and that it was no longer safe to make the public deposits in said bank or its branches; thereby intending not only to ruin the credit of the bank, but to greatly injure the national and individual stockholders, as well as the whole labor and industry of the country.

*Resolved, further,* That this Legislature condemns the effort of the President and the said Secretary, in their attempts to place the public funds into private or State Banks instead of the National Bank, as tending greatly to endanger the safety of the public funds, to increase (injuriously to the public,) the power and patronage of the President and the said Secretary, and as ruinous to public confidence and the safety of a national currency.



*Resolved, therefore,* That we instruct our Senators, and request our Representatives in Congress, to use all lawful and constitutional means to prevent the public deposits from being withdrawn from the Bank of the United States, and placed into private or State Banks, or elsewhere, at the discretion of the President, or said Secretary, of the United States.

*Resolved,* That copies of the foregoing resolutions be forwarded, by the Governor, to the Executives of the several States, with a request that they lay the same before the Legislatures of the States respectively; also, a copy to each of our Senators and Representatives in the Congress of the United States, with a request that they lay the same before each branch of the National Legislature.

*Ordered,* That the public printer print one hundred and fifty copies of the said resolutions, for the use of the General Assembly.

Mr. Fleming, from the committee to whom was referred an engrossed bill, entitled, an act to prevent the circulation of certain bank notes, reported the same with amendments; which were twice read and concurred in.

*Ordered,* That the said bill be re-engrossed, and again read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being re-engrossed,

*Resolved,* That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Murrell, from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William R. McFerrin, and others, reported the same with amendments; which were twice read and concurred in.

*Ordered,* That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved,* That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Churchill read, and laid on the table, the following resolution, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That when the Senate and House of Representatives adjourn on Saturday, the 19th day of the present month, (January 1833,) they will adjourn without day.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley, from the committee of courts of justice—1. A bill for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.

By Mr. Clark, from the committee of internal improvements—2. A bill to amend an act approved December 10th, 1822, for the es-

tablishment of a state road from Lexington to Ghent, on the Ohio river.

By Mr. Wickliffe, from the committee of courts of justice—3. A bill for the relief of the heirs of Anna Maria Walsh.

By Mr. Beatty—4. A bill to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South fork of said river up to the coal banks.

By Mr. Campbell—5. A bill for the benefit of the sheriff of Hickman county.

By Mr. W. Owsley—6. A bill for the benefit of the legatees of Richard Allen, deceased.

By Mr. Sisk—7. A bill to authorise the clerk of the Hopkins county court, to transcribe the minutes of said court; and

By Mr. W. Owsley—8. A bill to amend the law regulating the manumission of slaves.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second readings of the second, fourth, fifth, seventh and eighth bills, having been dispensed with: the second and eighth were placed in the orders of the day: and the public printer directed to print one hundred and fifty copies of the eighth bill, for the use of the General Assembly; the fourth was referred to the committee of internal improvements; the fifth to the committee of finance; and the seventh to a committee of Messrs. Sisk, Griffith and James.

The rule of the Senate, constitutional provision, and second and third readings of the first, third and sixth bills, having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

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#### THURSDAY, JANUARY 3.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act for the benefit of Sally Spillman.

An act for the benefit of Maria Tyler.

An act for the benefit of Stephen Marcum.

An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey; and

An act to enlarge the limits of the town of Elkton, in the county of Todd.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Temple West, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass;

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Benjamin Robison, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, the same was amended by way of ryder.

And the question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required, by Messrs. Hardin and Gholson, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Harris, James, Murrell, H. Owsley, W. Owsley, Rodman, Sisk, Thompson, Thornton, Wingate—20.

NAYS—Messrs. Brown, Campbell, Churchill, Guthrie, Hardin, Murray, Payne, Rudd, Taylor, Wickliffe, Wood—11.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

EXECUTIVE DEPARTMENT, Jan. 3, 1833.

*Gentlemen of the Senate—*

A difficulty having arisen in relation to the appointment of a Sheriff for the county of Edmonson, I desire to submit the matter to your consideration. The county court have nominated for that office, Samuel Saunders and John Rowntree, gentlemen justices of the peace, one of whom to be commissioned, but have not paid "due regard" to seniority. William H. Woolsey, an acting justice of the peace in the county, is older in commission than either of the gentlemen named; and has written a letter to me claiming the office, and protesting against the act of the county court in refusing to recommend him for the appointment. The pretence for passing over Mr. Woolsey was, that upon some former occasion he declined a nomination and a junior obtained the office; the fact is admitted by Mr. Woolsey, but insists that he was only postponed for *that* time, and that he cannot be prejudiced thereby upon any subsequent occasion. With a view that the question may be settled, I nominate for your advice and consent, William H. Woolsey, to be commissioned Sheriff of the county of Edmonson.

JOHN BREATHITT



The said message was referred to the committee of courts of justice.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of the head-right and Tellico settlers.

An act to change the mode of publishing the decisions of the appellate court of this commonwealth.

An act to regulate the Jefferson and Oldham circuit courts.

An act to authorise the recording of deeds remaining unrecorded, in the clerk's office of the Logan county court, at the death of the late clerk.

An act to establish an election precinct, in Barren county, and for other purposes.

An act to authorise Edward Turner to erect a mill-dam and mill, on the middle fork of the Kentucky river, in Clay or Perry county.

An act for the benefit of the jailor of Logan county.

An act for the benefit of Dorcas Worley; and

An act to change the place of voting in the Caney precinct, in the county of Ohio.

That they had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives, whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rudd,

A bill further to regulate the town of Springfield, in Washington county; and

On the motion of Mr. W. Owsley,

A bill to amend the law, prohibiting the importation of slaves into this state.

Messrs. Rudd, Payne and Taylor, were appointed a committee to prepare and bring in the former; and Messrs. W. Owsley, Thornton and Guthrie, the latter bill.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Rudd—A bill further to regulate the town of Springfield in Washington county; and

By Mr. Wickliffe, from the committee of courts of justice—A bill for the benefit of the representatives of James Honaker, dec'd.

The said bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second read-

ing of the latter bill having been dispensed with; it was referred to a committee of Messrs. Harris, Wickliffe and Campbell.

The rule of the Senate, constitutional provision, and second and third readings of the former bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe moved that the select committee, to whom was referred, on the 6th ultimo, so much of the Governor's message as relates to the administration of the general government, and its relations with this state, be discharged from the further consideration of that subject.

And the question being taken thereon, it was decided in the affirmative; and so the said committee was discharged.

The yeas and nays being required thereon, by Messrs. Wickliffe and Hardin, were as follows, viz:

YEAS—Messrs. Campbell, Churchill, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Harris, James, Murray, Payne, Rodman, Rudd, Sisk, Thompson, Wickliffe, Wingate, Wood—18.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, George, Hardin, Murrell, H. Owsley, Taylor, Thornton—11.

A bill to amend the laws relating to public officers, and for other purposes, and the resolution reported from the committee of the whole, that the said bill ought not to pass, were taken up—

And the question being taken on concurring in the said resolution, it was decided in the affirmative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Wickliffe and Gholson, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, Rodman, Rudd, Sisk, Taylor, Thompson, Thornton, Wingate, Wood—28.

NAYS—Messrs. Beatty, W. Owsley, Payne, Wickliffe—4.

The said bill is as follows, viz:

Whereas, it is provided by the seventeenth section of the sixth article of the constitution, that no member of congress, nor person holding or exercising any office of trust or profit, under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this commonwealth, or hold, or exercise, any office of trust or profit under the same: And, whereas, it is believed, that said provision of the constitution notwithstanding, that persons are guilty, sometimes, of holding offices under this commonwealth, and under that of the general government at the same time: For remedy whereof—

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That if any person holding an office under the government of the United States, or any of them, or any foreign power whatever; or shall take or receive the perquisites of any such office, or any part thereof; and shall, at the same time, hold any office of trust or profit under this commonwealth, any person so offending, shall be guilty of a high misdemeanor, and shall, on conviction, forfeit and pay, at the discretion of a jury, any sum not less than one hundred, and not more than two thousand dollars; to be recovered by indictment, or presentment of a grand jury, or by action of debt, at the suit of the commonwealth—the one moiety to the informer, and the other to the use of the state; and shall, moreover, forfeit his office under this commonwealth.

Sec. 2. *Be it further enacted,* That if any justice of the peace shall sell his claim to the office of sheriff, or if any person holding the office of sheriff shall, after the first day of July, eighteen hundred and thirty-three, bargain or sell any such office, or shall farm, lease, or sell, any part of such office, every person so offending shall forfeit and pay, in addition to the pains and penalties already prescribed by law, the whole amount, in money or other thing, received or given for such office, or claim to an office; to be recovered by action of debt, in the name of the state of Kentucky—one half to the use of the informer, and the other half to the use of the state, to be appropriated as other fines are, where the offence is committed; in which action the plaintiff shall not be held to strict pleading, but may recover as the case shall appear to be, although the plaintiff shall demand a larger sum than is due: and to enable the commonwealth to sustain her plaint, the commonwealth's attorney, or prosecuting counsel, may, by bill filed, compel the parties to the illegal contract, to disclose the terms and nature of the illegal bargain, or sale, on oath: *Provided, however,* That nothing in this act shall be so construed, as to prevent, or hinder, sheriffs or clerks from allowing to their deputies portions of the profits of the office, or giving to such deputies stated fees, or salaries, for performing the duty of their respective offices.

Sec. 3. *Be it further enacted,* That both the person selling, and the person buying, shall be ineligible to hold the office contracted for; and every justice of the peace who shall, after the said first day of July, 1833, contract to sell the office of sheriff, or any part of it, before his appointment, shall be ineligible to the office of sheriff; and on conviction by indictment, information, or suit, such officer shall be deemed guilty of a high misdemeanor, and be removed from office by the Governor: *Provided, however,* That all prosecutions under this act, for sale of office, or other misdemeanor in office, and in all other cases of misdemeanor in office, or forfeiture, the suit or prosecution for the penalty, or forfeiture, shall be commenced within ten years next after the misdemeanor in office,



or act complained of, shall have happened, and not afterwards: and, in all prosecutions before the Legislature, or the Court of Appeals, for misbehaviour in office, the accused shall not be bound to answer as to any charge, of an offence but such as shall have been committed within ten years next before the commencement of the impeachment, or other proceedings. But nothing herein contained shall prevent the Governor, or the Court, as the case may be, from removing from office, persons duly convicted of high crimes or misdemeanors, under the constitution, and the acts of the General Assembly made in pursuance thereto.

Sec. 4. *Be it further enacted*, That where any clerk of a court, shall be convicted of bribery, perjury, forgery, or any felonious offence, punishable with death, or confinement in the jail and penitentiary of this commonwealth; or of theft, where the punishment is degrading; it shall be the duty of the court, on production of the record of conviction, to forthwith remove such clerk from office, and to enter on the record the causes of such removal: and every clerk, so convicted and removed, shall be incapable of holding any office, and deprived of the right of suffrage, in this commonwealth.

Sec. 5. *Be it further enacted*, That where any clerk shall be convicted of any offence declared to be a high misdemeanor, by any law of the Legislature, it shall be the duty of the court to proceed to remove such clerk in the same manner, except in the first case provided for, the court shall enter of record the disqualification of the person removed; but in the second, the disqualification shall be entered or not as the law, declaring the misdemeanor, shall prescribe.

Sec. 6. *Be it further enacted*, That in all other cases where any other person shall be convicted of bribery, perjury, forgery, or felony, punishable with death, or confinement in the jail and penitentiary, every person so convicted, shall be ineligible of holding any office of trust, or profit, under this commonwealth, and incapable of exercising the rights of suffrage therein.

Sec. 7. *Be it further enacted*, That it shall be the duty of the Governor, for the time being, upon the production of the record of conviction of any such person, holding an office under this commonwealth, other than a clerk, of a high crime or misdemeanor, for which such officer is rendered incapable of holding an office under this commonwealth, to forthwith issue his warrant, removing such officer, and to fill the vacancy occasioned thereby according to the provisions of the constitution: and it shall be the duty of the Executive, in all cases of removal for high crimes and misdemeanors, to enter upon the executive journals the causes of removal; and whether the removal deprives the removed officer of the right of suffrage and ineligibility to office, or not, as the case may be.

Sec. 8. *Be it further enacted*, That where it shall happen that an office shall be conferred upon any person who has bought the same, or who was, from age, residence, or any cause or causes whatever,

ineligible to such office; or where such person, being eligible at the time of his appointment, shall, by removal, or the acceptance of another incompatible office, or from any cause whatever, renders himself ineligible to such office, shall, notwithstanding such cause of ineligibility, exercise the duties or powers of such office, it shall be the duty of the attorney for the commonwealth, in all such cases, to file information against any such officer, before the circuit court of the county where such officer shall presume to exercise his office; and on such information being filed, the court shall issue a writ of summons against the accused, to cause him to appear before such court, to show by what authority he exercises such office; and on return of the summons, executed by the proper officer, if the defendant shall fail to appear and plead to the information, within three days, the Judge may, and shall give judgment of conviction from office, on the information, by default, against such officer, and certify the same to the Governor, or the proper authority to fill the vacancy, except where the judgment of expulsion shall be that of a clerk of the county court, in which case the certificate shall issue to the county court; and where the defendant shall appear, and shall traverse the information, the court shall not delay trial for form, but, with all reasonable despatch, proceed with the trial, allowing either party the benefit of all such needful amendments, and process to compel the attendance of witnesses: either party may appeal from the judgment of the circuit court, to the court of appeals; and it shall be the duty of the court of appeals to try, both the law and facts of the case, without delay, at the appearance term, unless a fair and impartial trial, in the opinion of the court, cannot be had at that time. If the judgment of expulsion be not appealed from, or being affirmed, it shall be the duty of the executive, or proper appointing power, to cause the removal from office of such officer, and the office to be filled by a new appointment, according to the mode pointed out in cases of vacancies in such offices.

Sec. 9. *Be it further enacted*, That where any clerk or sheriff, or other ministerial officer, shall depart this life before the expiration of his term of office, leaving any deputy, or deputies, the powers of such deputies to act shall not cease until a successor shall qualify: and any such deputy, and his securities, shall remain liable for all his acts to the commonwealth, and others, for official misconduct, in the same manner that such deputy would have been, had his principal been living.

Sec. 10. *Be it further enacted*, That where any clerk of a circuit court shall be guilty of having purchased his office, contrary to law, or from any other cause whatever be ineligible at the time of his appointment; or shall, by removal, or any other cause whatever, render himself ineligible to the office of clerk, it shall be lawful and proper, for the circuit court of which he is clerk, to proceed

against such clerk, in the same manner, in all respects, as is directed in the case of clerks of county courts, and other officers; and such courts may either allow a deputy of said clerk, to act as clerk during the trial, or appoint some other person to act, *pro tem.*, and to take custody of the books, papers and records of the office, until the trial is over: *Provided, however,* If the judgment of the court shall be in favor of the accused, and be suspended by an appeal on the part of the state, the court may, in its discretion, permit the clerk to resume his duties as clerk, or not, as, in the opinion of the court, the public good may require.

And then the Senate adjourned.

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FRIDAY, JANUARY 4.

The Senate assembled.

Mr. Sisk presented the petition of the trustees of the town of Henderson, praying that the laws concerning said town may be amended.

Which was received, and referred to a committee of Messrs. Sisk, Bibb and Griffith.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that house, entitled, an act for the benefit of William R. McFerrin, and others.

That they had received official information that the Governor did, on the 2d instant, approve and sign enrolled bills, which originated in that house, of the following titles, viz:

An act for the benefit of Henry Waddle.

An act for the benefit of the Boone Academy.

An act to regulate election precincts in certain counties.

An act authorising the county courts of Bath, Fleming and Franklin, to permit gates to be erected across certain public roads.

An act to change the place of voting in an election precinct, in Montgomery county, from Robert Gay's to John L. Martin's, and for other purposes.

An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county.

An act to legalise the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

An act to change the constable's district in the 1st battalion and 88th regiment, K. M., and to change a constable's district in the county of Estill.

An act to amend the laws concerning the Lunatic Asylum, and for other purposes.



An act to allow the Independent Banks of this commonwealth further time to settle their concerns.

An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

An act for the benefit of Allen Taylor.

An act for the benefit of George Coleman, and others.

An act for the benefit of Gabriel Gaines' heirs; and

An act in relation to the towns of Cynthiana and Lawrenceburg.

And that they had passed bills of the following titles, viz:

An act for the benefit of Thomas Newskirk and wife.

An act to dissolve the marriage contract between Francis Conner and wife, and others.

An act to regulate the town of Simpsonville, in Shelby county; and

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

Mr. Wood, from the committee of religion, reported a bill for the divorce of Jane Pemberton; which was read the first time, as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Jane Pemberton and her husband, Henry Pemberton, so far as respects the said Jane, be, and the same is, hereby dissolved: and the said Jane Pemberton shall, in all things, hereafter be considered an unmarried woman.

The question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Wingate, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Dejarnatt, Dougherty, Fleming, Gholson, Guthrie, Harris, James, Murray, Rodman, Wingate—14.

NAYS—Messrs. Brown, Campbell, Churchill, Clark, Cunningham, George, Griffith, Hardin, Marrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wood—18.

Mr. Hardin, from the committee of finance, to whom was referred a bill for the benefit of Cumberland Hospital, reported same without amendment.

And the question being taken on engrossing the said bill, and reading the same a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Campbell, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Payne,

Rodman, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—29.

NAYS—Messrs. Beaseman, Fleming, George—3.

Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of the sheriff of Hickman county, reported the same without amendment.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Lindsay, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

The said bill and resolution were laid on the table.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Smith and Bartlett Hill, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill to reduce the price of the vacant lands West of the Tennessee river, and to protect the actual settlers in said land district, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be, an act to protect the actual settlers in the land district West of the Tennessee river.

Mr. Hardin, from the same committee, to whom was referred the petition of John H. Burnham, reported the following resolution thereon, viz:

*Resolved*, That the said petition be rejected; which was twice read and concurred in.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred the nomination of William H. Woolsey, as sheriff of Edmonson county, reported the following resolution thereon, viz:

*Resolved*, That the Senate do not advise and consent to the said appointment;

Which was twice read, and re-committed to the same committee.

Mr. Wickliffe, from the same committee, to whom was referred a bill to repeal the law now in existence in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement, reported the same without amendment.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

On the motion of Mr. Guthrie, leave was given to bring in a bill to amend the act incorporating the Bardstown and Louisville Turnpike Company; and Messrs. Guthrie, Hardin and Boyd, were appointed a committee to prepare and bring in the same.

After a short time, Mr. Guthrie reported the said bill; the first reading was dispensed with, and it was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Mr. Dougherty moved that a message be sent to the House of Representatives, requesting leave to withdraw the report that the Senate disagreed to a bill from that house, entitled, an act for the benefit of the wife and children of William Green, a lunatic.

And the question being taken on the said motion, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Clark, Cunningham, Dougherty, Fleming, Gholson, Harris, James, Murray, Murrell, H. Owsley, Rodman, Rudd, Sisk, Taylor, Thornton, Wingate, Wood—20.

NAYS—Messrs. Churchill, Dejarnatt, George, Guthrie, W. Owsley, Thompson, Wickliffe—7.

*Ordered*, That Mr. Dougherty carry the said message.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred a bill to regulate the issuing executions in certain cases, reported the same without amendment.

Mr. Wingate moved to amend the said bill by adding thereto the following section, viz:

*Be it further enacted*, That it shall be lawful for the officer in whose hands any execution, issued on a replevin or sale bond, may be placed, to take a delivery bond as in other cases.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wingate and Gholson, were as follows, viz:



YEAS—Messrs. Boyd, Brown, Campbell, Clark, Dejarnatt, George, Gholson, Harris, Murrell, Rodman, Sisk, Wingate, Wood—13.

NAYS—Messrs. Beatty, Bibb, Churchill, Cunningham, Fleming, Guthrie, Hardin, James, Murray, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—16.

Mr. Thornton moved to amend the said bill by adding thereto the following section, viz:

*Be it further enacted*, That a stay of execution under this act shall be a release of the securities in the original contract on which the judgment was obtained, on which said execution issues.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Thornton and W. Owsley, were as follows, viz:

YEAS—Messrs. Boyd, Clark, Dejarnatt, Harris, Rudd, Thornton—6.

NAYS—Messrs. Beaseman, Beatty, Bibb, Brown, Campbell, Churchill, Cunningham, Fleming, George, Gholson, Griffith, Guthrie, Hardin, James, Murray, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Wickliffe, Wingate, Wood—25.

Mr. Guthrie, from the committee of courts of justice, made the following report, viz:

The committee of courts of justice have, agreeable to order, had under consideration the nomination of William H. Woolsey, as sheriff of Edmonson county.

The facts attending the nomination are these: William H. Woolsey was the eldest justice of the peace of Edmonson county; and, two years ago, declined a recommendation as sheriff, and the next eldest justice was recommended that would accept. The county court of Edmonson have now passed by William H. Woolsey, and others that then declined, he protesting against it, and have recommended to the Governor the next two eldest justices of the peace, as fit and proper persons to fill the office of sheriff for Edmonson county.

The question presented by the nomination is, when the county court passes by the eldest justice of the peace, and recommends junior justices, whether the Governor can fill the office as if no recommendation had been made? The constitution requires, that the county court should recommend two proper persons to fill the office, who are then justices of the county court, and in such recommendation shall pay a just regard to seniority in office, and a regular rotation. The first duty of the county court is, to recommend two proper persons; and in the discharge of that duty, they are to exercise a sound judgment in their selection, and are not bound at all events to recommend the two eldest justices. The second duty is, to pay a just regard to seniority in office, and a regular rotation. In the discharge of the second duty, the county court are in the

line of regular rotation in the recommendations they have made; and we do not think the constitution has confided to the Governor the power of revising the decision of the county court, as to whether, in the recommendation, they have paid a just regard to seniority. Therefore, the committee have come to the conclusion that the nomination of William H. Woolsey, as sheriff of Edmonson county, be rejected. Therefore,

*Resolved*, That the Senate do not advise and consent to the appointment of William H. Woolsey, as sheriff of Edmonson county. And then the Senate adjourned.

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SATURDAY, JANUARY 5.

The Senate assembled.

Mr. Taylor presented the petition of sundry citizens, praying that a law may pass for the suppression of the establishments for the sale of spirituous liquors, commonly called *groceries*; which was received, and referred to the committee of courts of justice.

Mr. Hardin, from the committee of finance, to whom was referred the petition of Elizabeth Barnes, praying that an allowance be made to her for keeping her husband, a lunatic, reported the following resolution, viz:

*Resolved*, That the said petition *be rejected*; which was twice read.

Mr. Beatty moved to amend the said resolution by striking out the words "*be rejected*," and inserting in lieu thereof "*is reasonable*."

And the question being taken on adopting the said amendment, it was decided in the negative; and so the said petition was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Beaseman, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Clark, George, Harris, Rudd, Sisk—8.

NAYS—Messrs. Bibb, Brown, Campbell, Churchill, Cunningham, De-jarnatt, Dougherty, Fleming, Gholson, Griffith, Guthrie, Hardin, James, Murray, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—25.

On the motion of Mr. Beatty, leave was given to withdraw the said petition.

A message was received from the House of Representatives, announcing that leave was given to withdraw the report of the disagreement of the Senate to a bill from that house, entitled, an act for the benefit of the wife and children of William Green, a lunatic.

And that they had passed bills of the following titles, viz:

An act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties.

An act for the benefit of John Shields.

An act for the benefit of Henry Crist.

An act for the benefit of Samuel S. Scroggin; and

An act to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county.

And that they had adopted a resolution from the Senate to appoint a joint committee, to examine and report the condition of the Government house, and had appointed a committee on their part; whereupon Messrs. Wingate, Boyd and Campbell, were appointed a committee on the part of the Senate.

Mr. Clark, from the committee of internal improvements, reported a bill to amend an act to incorporate the Rolling fork bridge company, approved December 2d, 1831; which was read the first time, as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That so much of the fourth section of the act, to which this is an amendment, as requires the bridge to be built to be twenty feet above high water mark, shall be, and the same is repealed; and said company shall construct said bridge ten feet above high water mark.

And the question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Campbell, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Churchill, Clark, Dejarnatt, George, Guthrie, Murray, W. Owsley, Rodman, Wood—12.

NAYS—Messrs. Beaseman, Bibb, Campbell, Cunningham, Dougherty, Fleming, Gholson, Griffith, Hardin, Harris, James, Murrell, H. Owsley, Payne, Rudd, Sisk, Taylor, Thompson, Thornton, Wickliffe, Wingate—21.

Mr. Clark, from the same committee, to whom was referred the petition of sundry citizens of Bath county, praying that a law may pass, placing that part of the road leading to the mouth of Big Sandy within said county, under the same regulations as that part of said road East of John M. Rice's, reported the same with the following resolution thereon, viz:

*Resolved,* That said petition be rejected.

The said resolution was twice read and concurred in.

On the motion of Mr. Clark, leave was given to bring in a bill to establish an additional election precinct in Woodford county; and Messrs. Clark, Brown and Thornton, were appointed a committee to prepare and bring in the same.

Mr. Brown, from the committee on the penitentiary, reported a bill further to regulate the penitentiary.



The first reading of the said bill having been dispensed with, it was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

The Speaker then directed the orders of the day to be taken up; when Mr. Wickliffe moved to suspend the consideration of the orders of the day, for the purpose of acting on the following resolution, viz:

*Resolved*, That so much of the message, of the 4th day of December, 1832, as relates to the general government, and the message of the Governor of the 22d day of December, 1832, with the accompanying documents, be referred to the committee of courts of justice.

And the question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Thornton, were as follows, viz:

YEAS—Messrs. Beatty, Churchill, Fleming, Griffith, Hardin, W. Owsley, Payne, Taylor, Thornton, Wickliffe—10.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Campbell, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Guthrie, Harris, James, Murray, Murrell, Rodman, Rudd, Sisk, Thompson, Wingate, Wood—22.

The report of the committee of courts of justice, on the nomination of William H. Woolsey, as sheriff of Edmonson county, was taken up.

Mr. Wingate moved to amend the said report by striking out the said resolution, and inserting in lieu thereof the following, viz:

*Resolved therefore*, as the opinion of this Senate, that although W. H. Woolsey did not forfeit his right to a nomination by the county court of Edmonson, in consequence of his having declined a nomination heretofore; but if, in the opinion of said court, he was a proper person to discharge the duties of the office of sheriff. they should have nominated him as the senior magistrate; but inasmuch as they have not done so, we do not conceive that the Governor or Senate have any right to enquire into the causes which have influenced them to adopt a different course.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

Mr. Wickliffe, from the minority of the committee of courts of justice, made the following report, viz:

The undersigned, members of the committee of courts of justice, to whom was referred the nomination, by the Governor, of Henry Woolsey, to the office of sheriff for Edmonson county, have had the same under consideration, and given to the subject the consideration which the importance of the principles involved in the nomination demands.

It appears from the papers before the committee, that H. Woolsey is the eldest justice of the peace in office; and that no objection being alleged or appearing against his competency, to fill the office to which he is nominated by the Governor, except a parol statement, that said Woolsey, when a prior nomination was made for the office of sheriff, had waived or declined a nomination, the county court justices, considering him ineligible to the office as the eldest justice, by reason of his having so declined a nomination at a former period, have recommended two other members of their body, not paying a just regard to seniority in office.

These facts *appearing* to the Governor, he has nominated the said H. Woolsey for the approval of the Senate; whether the Senate ought to advise and consent to the appointment of Mr. Woolsey, depends upon the true meaning of the 34th Section of the III Article of the Constitution. That section provides, that sheriffs shall hereafter be appointed in the following manner: "When the time of a sheriff for any county may be about to expire, the county court for the same, a majority of all its justices being present, shall, in the months of September, October, or November, *next* preceeding thereto, recommend to the Governor two *proper* persons to fill the office, who are then justices of the county court; and who shall, in *such* nomination, pay a *just regard to seniority in office*, and a regular rotation. One of the persons so recommended shall be commissioned by the Governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county court shall omit, in the months aforesaid, to make such nomination, the Governor shall then nominate, and, by and with the advice and consent of the Senate, appoint a fit person to fill such office." On the one side, it is contended that the county courts are made exclusive judges or agents, to select from such court any two of their own body, without regard to seniority and rotation in office; and that if a court do so, that the Governor is bound by their act, and has no power to withhold the commission. But we think differently; we believe that neither the spirit nor letter of the Constitution will bear such construction. A Constitution is a fundamental law, in which the people have prescribed to all public agents and functionaries, their sphere of action; and whatever it requires must be performed in the mode prescribed, or the action is *void*. Thus the 9th Section of the X Article of the Constitution, providing for the security of the rights of persons from unreasonable seizures and searches, prescribing the modes and forms of search-warrants, is a directory only to the magistrate who issues the warrant; and yet no one ever contended that, if the magistrate failed to pursue the forms and modes prescribed, the warrant was not a *nullity*. If the Convention intended to allow the county courts to depart from a *just regard to seniority* and a *regular* rotation in office, the language employed is most unhappy and most unnecessary. *Why the circumlocution*, of a just regard to seniority and a regular rotation, if the *justices* were at liberty to disregard *both*? But the expressions are in the *imperative*—the county court *shall* pay a just regard to seniority, and a regular rotation in office. The whole section is an enabling *one*, conferring upon the county courts a new power, and must be taken as a whole, not in *scraps*. The power of the county courts to nominate, is evidently a conditional one, both as to time and



manner. That is—it must be done in the months prescribed, and the selection must be from the persons who stand highest in seniority, and who add to seniority, qualifications *to act*. If the senior justices are proper persons, the court are directed in the *imperative* to recommend; and if the justices fail to do so, they disregard the imperative mandates of the Constitution. The Constitution is the supreme law: and we hold that every *act done*, and every law passed, contrary to the Constitution, is void. Here is a case in which all admit the court has violated the Constitution; they have not paid a just regard to seniority and a regular rotation in office, although they might have done so, and recommended two proper and fit persons to the Governor.

But it is said, be it so, the Constitution has left it in the power of the county courts to violate the Constitution, if they please to do so; and the executive, though satisfied that they have done so, is bound to ratify the act by putting his seal to it. To this doctrine the undersigned can never consent. The county courts and the Governor are alike instruments under the Constitution; and the unconstitutional act of the county court is no more binding on the Governor, than the unconstitutional act of the Governor is binding on the county court—and each is bound, when called on to act, to see that the Constitution is not violated.

We consider it a sound maxim, that where a statute requires a thing to be done in a particular way, that it can be done in no other mode than the one prescribed. And, if this be the rule in the case of a statute, how much more should it be the rule, where the Constitution directs and prescribes the time and manner with such caution and particularity, as it does in the case before us? All seem to agree, that Mr. Woolsey has been improperly passed over by the court; but, as hath been before noticed, a part of the committee contend that Mr. Woolsey is without remedy; that, although the Governor hath seen, and we see, that he is deprived of his *fair, just* and *constitutional rights*, by the county court, that the Governor was, and we are, bound to sanction the violation of the Constitution by the county court; that neither the Governor nor this Senate have the right to correct the errors of the court, however illegal, and contrary to the Constitution; that the Governor is the *mere* ministerial officer, and *bound* by the *mandate* of the *county court*, to nominate one of the two persons sent to him, although he sees, by the very record sent to him, that the Constitution is violated.

The Constitution provides that the county court shall present to the Governor two fit persons, members of the county court, who are seniors and in regular rotation, &c. Now, if it be true, that the executive cannot question the act of the court, where it appears that the court have disregarded seniority in office, it follows, that the county court's nomination is binding in all cases. Suppose one of the members of the county court, nominated as a proper person, is *charged* by indictment with *feloony*—or suppose, if you please, that both *are* so charged—if the nomination of the county court is conclusive; if the Governor is the mere hand to put the wax or wafer to the commission, he must commission one of these persons, though the records of the indictments stare him in the face. Suppose one or both justices of the peace are aliens, or minors, and the fact is manifest or admitted—or suppose these persons have, in point of



fact, vacated their offices, but are acting justices of the county court—is the Governor to still close his eyes upon the violation of the Constitution, and commission the felon, infant, or disqualified person? We think not; and if he were to do so, that he would be guilty of a malfeasance in office.

By the 15th Section of the III Article, it is provided that *he*, (the Governor,) shall take care that the laws be *faithfully executed*. The Constitution is a fundamental law; and to faithfully execute the *section* under consideration, the county court should have had a just regard to seniority *in office*: which all admit they have not done. Here we are met with an objection—that if the executive is a check upon the county court, that he may control them altogether. To this we reply, that if it were the case, and grows out of the Constitution, we see nothing in it; we are to execute, not to make a Constitution. But we see no such results in the construction we give to the Constitution; we think results flow from it in perfect accordance with the whole tenor and spirit of our government. Our government is formed of checks and balances; one department is so constituted as to check and balance the other; and in this we have the great excellency of our systems, over those of despotic governments. That one department shall check the other, is not only necessary to guard against the imperfections of man, but against his vices. When the Convention, in every other grade of magistracy, has formed a check, or balance, to remedy the defects of judgment and of the heart, is it reasonable to expect to find that these sages, who formed the instrument, should have been so absurd and inconsistent, as to erect the county courts into absolute despotisms on this subject, *without* check or control? We say not; we say that it is the duty of the county courts to nominate particular persons; and if they, from *either* the hurry of business mistake their duty, or from a *wickedness* of purpose *fail to perform it*, the Constitution then provides the executive, whose especial duty it is to see the laws executed, to check them; and if he err, and not the justices, then the Senate is appointed to check *him*. So that, in this view of the case, the harmony of the Constitution is preserved, and no one department becomes a despotism—the frailties and errors of each is guarded against, and the general good secured. But the construction of those who differ from us, we think, leads directly to despotism and the grossest abuses, under color of the Constitution. It not only places it in the power of a faction, that shall constitute a majority of a county court, to proscribe, and for ever to exclude from the office of sheriff, every member of the minority, but it exposes the public good, and the safety of the commonwealth measurably, at the peril of ignorance and crime.

We have already supposed the case, where the county court shall recommend incompetent or improper persons to the office, at the time of their nomination. Let us see what is to be done, if gentlemen are correct, in cases arising after the nomination. If the Governor has no discretion, on the question of whom are proper and legal persons to commission, suppose the persons nominated, after nomination, are convicted of felony,—suppose they become lunatic,—*suppose* they remove from the county, are they to be commissioned? Certainly, if the Governor is bound to commission one of the two nominated by the county court.

We have thus far endeavored to prove the utter absurdity of making

the Chief Magistrate a mere machine, bound to commission whomsoever the county court recommends to him, whether such person be a good man or a bad man, a wise man or an idiot; and we trust we have shewn that,—in that part of the Constitution, to wit: the provision which requires that the persons be proper persons,—the Governor has a concurrent right to judge. This part of the sentence relates to what must ever depend upon opinion or judgment; and, on this point, the court and Governor might honestly differ, and the Senate may be equally honest *with both*, and differ from both. On the question of discretion, the Constitution might have, with some plausibility, but not without danger, left the question with the county court; but they have not done so; and if the court err, the Governor may, we think, refuse to sanction the act; and if he err, and not the court, the Senate corrects the executive.

On the question of seniority there is no room for doubt; and if the Governor may refuse his seal to a commission to a felon, or lunatic, because they are, in his opinion, improper persons, though recommended by the county court, surely, where the record establishes that the court has disregarded the Constitution, by failing to recommend according to seniority, he may well *compare* the act with the record: and if the record shews that the court has violated the Constitution, he may withhold his assent *to the act*.

Holding these guards and checks upon the errors of the county courts, we assure to a minority in each court, their just, equal and constitutional rights, to a regular succession to the office of sheriff; the only reward the Constitution holds out to long, faithful and laborious service; and the contrary construction, we *think*, will tend to deprive them of this salutary and necessary check.

Wherefore, we offer to the Senate the following resolution for its adoption, viz:

*Resolved*, That the Senate do advise and consent to the appointment of Henry Woolsey, as sheriff of Edmonson county.

R. WICKLIFFE,  
WILLIAM P. FLEMING,  
THOMAS JAMES.

Mr. Wickliffe moved to amend the report of the committee as amended, by substituting therefor the said report of the minority of the said committee.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Dougherty, Fleming, George, Gholson, Griffith, Harris, James, Rodman, Rudd, Wickliffe, Wingate—11.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Guthrie, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Thornton, Wood—22.

On the motion of Mr. W. Owsley, said report was amended by adding thereto the following resolution, viz:

*Resolved*, That the Senate do not advise and consent to the appointment of W. H. Woolsey, as sheriff of Edmonson county.

The said resolutions were then concurred in.

*Ordered*, That Mr. Murrell inform the Governor thereof.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

A bill to regulate the issuing of executions in certain cases, reads as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, in all cases where judgments may be obtained in any court, or before any justice of the peace, in this commonwealth, and the plaintiff or plaintiffs in any such judgment shall not sue out execution thereon, for the space of three months from and after the final adjournment of the court rendering such judgment, or for the space of three months from the day of the rendition of such judgment by a justice of the peace, it shall be the duty of the clerk or justice of the peace issuing execution on such judgment, to endorse on such execution that no security is to be taken, in the same manner as is provided in cases of executions issuing on replevin bonds.

*Be it further enacted*, That the person or persons against whom a judgment may be recovered, shall have no right to replevy the same before the clerk or justice of the peace, unless the same be done within ten days after the final adjournment of the court at which such judgment shall be rendered, or within ten days after the rendition of such judgment by a justice of the peace.

*Be it further enacted*, That nothing herein contained shall be so construed, as to apply to judgments which may be enjoined by bill in chancery, or which may be stayed by appeal or writ of error to the court of appeals; but in such cases, the same proceedings may be had as now provided by law, unless the plaintiff or plaintiffs in such cases shall not issue execution for three months after the dissolution of such injunction, or the affirmance of such judgment in the court of appeals, and the entering the decision of the court of appeals in the court rendering said judgment: in which cases, the clerk shall make the same endorsement as directed by the first section of this act.

*Be it further enacted*, That the provisions of the first section of this act shall extend to all decrees in chancery wherein an execution of *feri facias* may issue.

The question was taken on engrossing the said bill and reading it a third time, and it was decided in the negative: and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Rudd and Gholson, were as follows, viz:



YEAS—Messrs. Beatty, Bibb, Churchill, Fleming, Griffith, Guthrie, Hardin, James, Murray, W. Owsley, Payne, Taylor, Thompson, Wickliffe—14.

NAYS—Messrs. Beaseman, Boyd, Brown, Campbell, Clark, Dejarnatt, Dougherty, George, Gholson, Harris, Murrell, H. Owsley, Rodman, Rudd, Sisk, Thornton, Wingate, Wood—18.

And then the Senate adjourned.

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MONDAY, JANUARY 7.

The Senate assembled.

The Speaker laid before the Senate the following report, viz:

*To the Honorable the General Assembly of the Commonwealth of Kentucky:*

The report of the Commissioners of the Lunatic Asylum is respectfully submitted:

In the annexed paper, marked A., is contained a list of the patients, their age, sex, disease, from what county, and the date when received: also, the number received since the establishment of this humane Institution by your honorable body—shewing that, since then, 131 have been restored to society and their friends, out of 353. During the past year forty-five have been received: of whom, thirteen have been discharged, six have died, and four have eloped. The number now in the house is one hundred and two.

The document marked B. exhibits the receipts and expenditures for the last thirteen months—shewing that all the money appropriated and received from other sources, has been expended on the buildings and support of the Institution.

To enable your commissioners to complete the payments due, and that will become due for the erection of the new wing, wash-house, and the support of the patients, &c. it will require an appropriation of nine thousand dollars.

All which is respectfully submitted,

JOHN W. HUNT,  
RICHARD ASHTON,  
R. HIGGINS,  
JOHN BRAND,  
THOMAS P. HART.

December 31, 1832.

[A.]

*List of Patients remaining in the Lunatic Asylum, Lexington, 31st  
December, 1832.*

<i>Date.</i>	<i>Disease.</i>	<i>Sex.</i>	<i>County.</i>	<i>Age.</i>	<i>No.</i>
May 4, 1824,	Idiocy,	Male,	Fayette,	28	3
May 4, 1824,	do	Female,	Breckenridge,	45	4
May 4, 1824,	do	Female,	do	17	5
May 10, 1824,	Mania,	Male,	Casey,	31	6
May 31, 1824,	do	Male,	Scott,	37	12
June 11, 1824,	Furor,	Female,	do	33	16
July 10, 1824,	Mania,	Female,	Butler,	45	23
July 20, 1824,	Catamania,	Female,	Clark,	36	25
Oct. 23, 1824,	Mania,	Female,	Madison,	27	40
Oct. 23, 1824,	do	Female,	Jefferson,	41	41
Nov. 25, 1824,	do	Male,	Fayette,	37	50
Jan. 25, 1825,	Idiocy,	Female,	Shelby,	36	55
May 18, 1825,	do	Male,	Wayne,	17	67
June 4, 1825,	Mania,	Male,	Shelby,	31	70
June 15, 1825,	do	Male,	Warren,	33	73
July 31, 1825,	Epilepsy,	Male,	Wayne,	27	77
Sep. 3, 1825,	Mania,	Male,	Mississippi,	31	81
April 4, 1826,	Dolore,	Male,	Jefferson,	23	101
April 14, 1826,	Mania,	Female,	Harrison,	40	162
Oct. 21, 1826,	do	Female,	Jefferson,	35	117
Oct. 25, 1826,	do	Male,	do	48	125
Mar. 12, 1827,	Dolore,	Male,	Fayette,	38	132
May 10, 1827,	Epilepsy,	Male,	do	32	139
May 29, 1827,	Peur peril,	Female,	Washington,	53	140
June 13, 1827,	Idiocy,	Male,	Pendleton,	29	144
June 29, 1827,	do	Male,	do	27	147
July 7, 1827,	do	Female,	Fayette,	48	149
Oct. 6, 1827,	Mania,	Female,	Christian,	63	155
Nov. 2, 1827,	Idiocy,	Female,	Breckenridge,	13	157
Nov. 23, 1827,	Mania,	Female,	Logan,	46	159
Dec. 23, 1827,	Dolore,	Female,	McCracken,	41	161
Feb. 15, 1828,	Mania,	Male,	Mississippi,	43	165
April 10, 1828,	do	Female,	Barren,	43	168
April 18, 1828,	A potu,	Male,	Mercer,	31	169
April 18, 1828,	Epilepsy,	Male,	do	25	170
May 7, 1828,	Mania,	Female,	Laurel,	30	173
June 23, 1828,	do	Male,	Fayette,	43	179
June 30, 1828,	do	Male,	do	33	180
July 20, 1828,	Epilepsy,	Female,	Spencer,	34	181
Aug. 4, 1828,	Idiocy,	Female,	Wayne,	44	183
Oct. 2, 1828,	Mania,	Male,	Barren,	36	193
Nov. 21, 1828,	Idiocy,	Female,	Allen,	26	196
Dec. 4, 1828,	Mania,	Male,	Logan,	34	199
Mar. 15, 1829,	do	Female,	do	43	206
April 29, 1829,	A potu,	Male,	Jefferson,	21	208
May 30, 1829,	Mania,	Female,	Logan,	38	210
July 16, 1829,	do	Female,	Monroe,	37	217
July 25, 1829,	do	Female,	Simpson,	35	220
Sep. 5, 1829,	Epilepsy,	Female,	Mercer,	17	224
Sep. 14, 1829,	Dolore,	Female,	Barren,	29	226
Sep. 20, 1829,	Mania,	Female,	Hopkins,	38	227
Oct. 16, 1829,	Mania,	Male,	Fayette,	35	234
Nov. 7, 1829,	do	Female,	Bourbon,	36	240
Mar. 12, 1830,	do	Female,	Scott,	28	245
April 21, 1830,	do	Female,	Mercer,	54	249
May 25, 1830,	do	Female,	Bourbon,	39	250
May 27, 1830,	do	Male,	Mississippi,	26	251





Males	51	} of whom are	{ Boarders	17
Females	51		{ Paupers	85
<hr/>				<hr/>
102				102

From January, 1824, to 31st December, 1832,—				Patients received,	353
Of whom have				died,	99
				discharged,	131
				eloped,	21
Males	228				251
Females	125				<hr/>
<hr/>		Remain,			102
353					<hr/>

## THE PATIENTS ARE FROM THE FOLLOWING COUNTIES:

Allen,	-	-	-	-	2	Mason	-	-	-	-	-	4
Breckenridge	-	-	-	-	4	Nicholas	-	-	-	-	-	1
Butler	-	-	-	-	1	Ohio	-	-	-	-	-	3
Barren	-	-	-	-	3	Owen	-	-	-	-	-	1
Bourbon	-	-	-	-	4	Pendleton	-	-	-	-	-	2
Casey	-	-	-	-	1	Pike	-	-	-	-	-	1
Clark	-	-	-	-	2	Scott	-	-	-	-	-	3
Christian	-	-	-	-	1	Shelby	-	-	-	-	-	4
Campbell	-	-	-	-	1	Spencer	-	-	-	-	-	1
Daviess	-	-	-	-	1	Simpson	-	-	-	-	-	3
Fayette	-	-	-	-	14	Todd	-	-	-	-	-	1
Garrard	-	-	-	-	2	Wayne,	-	-	-	-	-	3
Harrison	-	-	-	-	1	Warren	-	-	-	-	-	1
Hopkins	-	-	-	-	1	Washington	-	-	-	-	-	1
Harlan	-	-	-	-	1	Woodford	-	-	-	-	-	1
Jefferson	-	-	-	-	8							
Logan	-	-	-	-	5							96
Laurel	-	-	-	-	1	Mississippi	-	-	3			
Madison	-	-	-	-	3	Tennessee	-	-	3			
McCracken	-	-	-	-	1							6
Mercer	-	-	-	-	8							
Monroe	-	-	-	-	1							
									Total			102

(B.)

*Receipt and Expenditure of the Lunatic Asylum, from 1st December, 1831 to 31st December, 1832.*

Dec. 1, 1831.	To balance on hand, as per last report,	\$1932 25
Dec. 31, 1832.	To cash received from boarders,	1454 01
	To State appropriation,	10,000 00

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**\$13,386 26**

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Dec. 1832.	By amount paid for Provisions,	\$2633 97
"	" " for Clothing,	1929 17
"	" " for Furniture,	164 14
"	" " Salaries and hire,	1431 85
"	" " for repairs, painting, &c.	249 75
"	" " for medicine, & physicians salary,	325 12
"	" " for fuel,	989 26
"	" " for conveying patients,	97 79
"	" " for extras,	85 15
"	" " for erecting new wing,	5480 06

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**\$13,386 26**

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E. &amp; O. E.

Lexington, 31st December, 1832.

*Abstract of the Intromissions of JOHN W. HUNT with the Funds of the Lunatic Asylum, as Chairman of the Board of Commissioners thereof.*

He has received from the 1st December, 1831, to the 31st December, 1832, from the following sources, viz:

Balance in his hands, per report to General Assembly,	\$1932 25
From boarders in Asylum,	1454 01
The State appropriation,	10000 00
Total,	<hr/> \$13,386 26

He has expended during the same period, according to vouchers, duly authenticated and filed in the Asylum, for the following items, viz:

Provisions,	\$2633 97
Clothing,	1929 17
Furniture,	164 14
Salaries and hire,	1431 85
Repairs, painting, &c.	249 75
Medicine, and Physician's fee,	325 12
Fuel,	989 26
Conveying patients,	97 79
Extras,	85 15
Erecting new building,	5480 06
	<hr/> \$13,386 26

*Ordered,* That the said report be referred to the committee of finance.

The Speaker laid before the Senate the following communication from the Treasurer, viz:

TREASURY OFFICE,  
Frankfort, 7th Jan. 1833. }

Hon. JAMES T. MOREHEAD, *Lieut. Governor, and Speaker of the Senate:*

SIR—You will please lay before the honorable house over which you preside, the enclosed communication.

Respectfully, your obedient servant,

JAMES DAVIDSON.

*To the General Assembly of the Commonwealth of Kentucky:*

GENTLEMEN—The undersigned was required, by an Act of the Legislature, approved the 23d of December, 1831, to examine the covering of the Capitol, and cause the same to be so repaired, or altered, as to prevent its leaking. He begs leave to inform your honorable body, that he has discharged the duties imposed on him by that act—That repairs have been made by re-soldering portions of the roof, and by substituting four large copper pipes in the place of the old ones, which were thought to be too small to convey the water from the roof. Since these improvements have been made no leak has been discovered, and, it is believed, none will soon occur.

The appropriation was more than sufficient to defray the cost of the repairs and alterations, and the residue was applied to the repairing the Senate and Representative chambers. It will be seen, by the accounts herewith enclosed, that after applying the whole of the remainder of the appropriation, there was still due to the workmen the sum of \$138 99; this sum has been credited by \$105, received from the late building commissioners, leaving a balance due of \$33 99. The commissioners have also placed in my hands a bond, on John M. McCalla and Gervas Russell, for the sum of \$360, which is entitled to a credit of \$105, paid the 29th of June last, out of which bond the undersigned expects, in due time, to receive the balance, \$33 99, which will close the whole expense incurred. There will still be due, on the bond of McCalla and Russell, upwards of \$221, subject to such order as the Legislature may direct.

Respectfully, your obedient servant,

JAMES DAVIDSON.

January 7, 1833.

<i>The Commonwealth of Kentucky,</i>		To JAMES DAVIDSON, Dr,	
August 23, 1832—To amount paid to James Kelly, for work			
done on the state-house,	- - -	\$	40 00
To cash paid Cox,	- - -		10 00
“ “ William Shackelford,	- - -		275 00
“ “ for 25 sheets of copper,	- - -		114 24
“ “ 1 bbl. of plaster Paris,	- - -		15 00
“ “ for drayage, freight, &c.	- - -		8 25
“ “ making and putting four pipes to the state house,	- - -		
furnishing tin, &c.	- - -		104 00
“ “ taking down old pipes,	- - -		4 00
“ “ repairing and soldering roof,	- - -		6 00
			<hr/>
			\$576 49
CR.—By warrant on the Treasury for (Commonwealth's paper,) \$500, equal to		- - -	437 50
			<hr/>
Balance due,	- - -		138 99
Credit this with \$105, received 4th January, 1833,	- - -		105 00
			<hr/>
Balance due,	- - -		\$ 33 99

*Ordered,* That the said communication be referred to the committee of finance.

Mr. George presented written proposals of Joseph Eve, to work the state road from Cumberland Gap, by way of Barbourville, to the forks near Laurel bridge; which were received, read, and laid on the table.

Mr. Hardin, from the joint committee appointed to examine the Lexington and Ohio Rail Road, made the following report, viz:



The joint committee, appointed by the Senate and House of Representatives, to examine the Lexington and Ohio Rail Road, so far as the same has been completed, and also that part completed and not finished, report:

That on the 14th of last December, they visited the Rail Road and examined it as far as the same had been completed; and on the two succeeding days continued their examinations. There are near six miles of the road finished; the work seems to be well done in every part, and admirably adapted to facilitate the transportation of the exports and imports of the country, and for the conveyance of passengers upon said road.

Two horses and one driver can transport, in one day, the same burthen, as far as thirty horses, six wagons and drivers can, on the best M'Adamized road, and with much less liability to accidents of any kind. With the same proportion of power, passengers can be conveyed; and in addition to that, with a degree of comfort and convenience no stage can furnish, and which renders travelling to the passenger, a treat and luxury, instead of a laborious and fatiguing journey.

The duties of the committee were not specifically pointed out in the resolution. After a consultation among the members of the committee, they deemed it desirable to furnish the Legislature with all the information they could procure, that would enable the Senate and House of Representatives to vote understandingly upon the proposition now before them, from the company, to borrow \$300,000, and the State to become responsible, or security, for the repayment of the loan.

The committee, through their chairman, addressed a note to the President of the Company, propounding a number of interrogatories to him, which is marked (A.) and here referred to as a part of this report. The President responded to the interrogatories in a note addressed to the chairman, which is marked (B.) and here referred to as part of this report.

There has been \$709,200 of stock subscribed to said road; of that sum, the company estimates \$611,000 will be paid in when called for, and the balance defaulted; the amount paid in is \$123,712, that has been expended, except \$2,914.

The cost of the road from Lexington to Frankfort, as ascertained by actual expenditure in part; by contracts in part, and estimates in part, will be \$347,050. The distance from Lexington to Frankfort, upon the route proposed for the location of the road, is near twenty-eight miles. The estimated cost from Frankfort to Louisville, is \$568,200; the distance sixty-three miles, making the whole distance about ninety-one miles, and the cost of the same \$915,250.

The average cost, per mile, from Lexington to Frankfort, is \$12,394. The average cost from Frankfort to Louisville is \$8,741. The President of the Company assured the committee, that he

had entire confidence in the accuracy of the estimates; and *that* confidence was increased by the fact, that as far as they had finished the road, the estimates were always equal to the expenditures, and in some few instances above it.

The committee inquired, why it was that the road would cost less per mile from Frankfort to Louisville, than from Lexington to Frankfort? The reasons given by the President were, that he apprehended that the damages that would be assessed to the owners of land through which it passed would be less, and the grading, which was a heavy item of expenditure, would be much less.

On the unfinished parts of the road from the termination of the first six miles, to Humphrey Marshall's farm, there has been expended \$42,556 81.

The company is indebted \$10,683 33; and their property in iron rails, real estate, carriages, horses, &c. and mathematical instruments, amount to \$37,900.

As to the profits of the road for the transportation of the exports and imports, passengers and the mail, the committee beg to refer to the response of the President, in document (B.)

The company wishes to borrow \$300,000 upon the credit of the State, and the State to enter security for the payment of the loan. The company has opened no negotiations of a direct character to obtain the loan; but they are of opinion, that the money can be borrowed at five per centum interest, in the city of New York. The principal to be reimbursed in twenty years from the date of the loan. The indemnity the company offers the State is this: The individual bonds of the Directors that the sum borrowed, to-wit, \$300,000 and \$600,000 of the company's own funds besides, making in all, \$900,000, shall be economically and judiciously expended in making the road; that the road and all the company's property shall be mortgaged to the State to secure her from eventual loss by reason of her going security.

The committee has no doubt, but that the security offered by the company is amply sufficient, and the State will run no risk in going security. The committee intends to offer no opinion upon the question involved in the fate of the bill now before the Legislature, that is, whether it ought to pass or be rejected; but yet, they cannot refrain from observing that to obtain a loan of \$300,000, and expend that in the country for the labor of the people and their provisions, together with \$100,000 of the company's own funds, the present year, would be sensibly and beneficially felt by the whole country, particularly in those times of approaching pecuniary embarrassments and pressure.

There are other considerations that have pressed themselves upon the committee. The road, when done and in operation, will cheapen the cost and charges of transportation, and as that is done, in the same proportion do you increase the value of the articles transported, and consequently, the land which grows the article.

Because in political economy it is a truism, that all cost and charges of bringing the growth of the land to market fall on the land, and as you diminish the cost you increase the price of land; and by the same rule, as you increase the cost of transportation you diminish the value of the land.

Does the State owe nothing towards cherishing and fostering the praiseworthy and devoted enterprise of her citizens in such a useful and laudable undertaking?

Other States are now on the proud march of improving their internal condition by Turnpikes, Rail Roads, Canals, &c. And shall Kentucky risk and hazard nothing to encourage her own citizens in such great, proud and noble enterprises? Do we not owe it to the stockholders to aid them with our credit, and to prevent the probable sacrifice of \$600,000 of private property, which will be the result if the road is not finished, and without a loan, the road cannot be completed? Kentucky in her sovereign character stands in the attitude of a parent towards the individual stockholders, and they have the claims of children upon her. Kentucky has ever been among the foremost of the States in the race of State pride, and fame. These noble sentiments made her, during the last war, so freely shed her blood upon the ocean and the land. And will not her character be compromised by permitting this work and undertaking to be abandoned, and so many of her citizens ruined? The committee will not answer the above questions, but leave it to the patriot and sage to answer, who is equally careful of the interest and reputation of his State.

(A.)

LEXINGTON, DEC. 13, 1832.

*To Elisha I. Winter, President of the Lexington and Ohio Rail-Road Company.*

Sir—The joint committee of the Senate and House of Representatives, in obedience to a resolution of the two houses, assembled at this place on last night, conferred together touching the objects that the Legislature had in view, and the information which was desired by that body; and to enable the committee to discharge their official duty, I am directed to ask of you information upon the following subjects:

1st. How much stock has been subscribed, and where do the stockholders severally reside? [See answer No. 3.]

2d. Of the stock subscribed, how much has been paid in on each share? [See answer 5, and paper handed you.]

3d. How much of the road is completed, and how much of the unfinished part is commenced? [See answers Nos. 1 and 11.]

4. What has the road cost per mile, as far as the same has been finished? [See answer No. 1.]

5. How much labour has been done on that part which has been commenced and is not completed, and what has been paid for the work on that part of said road? [See answer No. 11, and Engineer's Report.]

6. How much of the road is under contract, and at what prices? [See answer No. 1, and Engineer's Report.]



7. What will it cost to finish the road to the Kentucky River at Frankfort per mile; and what will be the probable cost per mile from Frankfort to Louisville; and the distance to each place as surveyed. [See answers No. 1 and 2.]

8. What amount of raw materials has the company on hand. [See answer No. 7.]

9. The amount of debts and liabilities due from and incurred by the company. [See answer No. 6.]

10. What sum does the company wish to borrow? Where does it expect to obtain the loan; upon what terms and conditions? Is the state to enter as joint obligors in the bonds to be given for refunding the money borrowed, or is she only to pledge her faith as a state to see that the contract, made by the company in obtaining the loan, shall be complied with and fulfilled? [See answer No. 9.]

11. What is the indemnity which the company proposes to give the state, to screen her against eventual loss in any engagements she may make for the company. Be so good as to specify the full extent of indemnity which the company can or will give?

As the state has no stock in the company, an answer to the above questions is not required, but respectfully requested.

I am with esteem,

BEN. HARDIN, *Chairman.*

(B.)

*To the honorable Committee appointed by joint resolution of the two branches of the Legislature of Kentucky to examine the Lexington and Ohio Rail-Road.*

GENTLEMEN:—I have the honour of handing, annexed, a response to the several interrogatories propounded to me through your chairman.

1. *What will be the cost of the road from Lexington to Frankfort?*

Ans.—The road from Lexington to Frankfort, as a convenient arrangement, is divided into two divisions. The first division is six miles in length, and is so near finished that the cost can be accurately ascertained—say,

\$50,000

The second division is under contract for grading as far as the farm of H. Marshall, Esq. being 20 miles from the termination of the first division. The aggregate amount of contracts is

107,000

The masonry is not all contracted for, but may be set down safely at

17,500

The grading from H. Marshall's farm to the Kentucky river, to pass through one of the streets of Frankfort, will cost

16,000

To pass through Brown's meadow, the cost will be less.

Twenty-two miles of superstructure at \$5,500 per mile, being a little over what has been the actual average cost on the first division of six miles

121,000

For damages, say

4,000

Total,

\$315,500

Add 10 per cent for contingencies,

31,550

\$347,050

2. *What will be the cost of the road from Frankfort to Louisville?*

Ans.—1st, The bridge across the Kentucky river will cost	\$30,000
2d, The grading to Louisville, including masonry	140,000
3d, superstructure sixty-three miles, at \$5,500 per mile,	346,500

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\$516,500

Add for contingencies, 10 per cent.

51,650

---

\$568,200

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## RECAPITULATION.

Cost of the road from Lexington to Frankfort,	347,050
Cost of the road from Frankfort to Louisville,	568,200

---

Total, \$915,250

---

Average cost, per mile, of the road from Lexington to Frankfort,	12,394
Average cost, per mile, of the road from Frankfort to Louisville,	8,741
Average cost, per mile, of the whole road,	9,841

3. *What amount of stock has been subscribed to the road?*

Ans.—The total amount up to this time, is	\$709,200
-------------------------------------------	-----------

4. *What amount of stock will probably be met, and what defaulted?*

Ans.—The stock is thus held: in Lexington, including a small part in Philadelphia, New York, and Frankfort,

\$481,200

At Louisville,

228,000

---

\$709,200

---

Out of the first named, the calls on \$436,600 have been pretty regularly met. The calls have been but partially met on \$44,600.

There is held in Louisville, as above stated, stock to the amount of

228,000

As we have not been calling on the Louisville subscribers, in consequence of the suspension of the work at that point, by reason of a refusal of the corporation to permit our road to pass through one of the streets of the City, we have no accurate test by which we can form an opinion of the probable amount that will be paid; but judging from the standing of the individual subscribers, and their expression of a desire to see the work progress, I would suppose we might rely, with safety, on aid to the amount of

\$175,000

And that the defalcations will not exceed,

53,000

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\$228,000

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## RECAPITULATION.

Amount relied upon from stockholders, may be thus

classed: From Lexington, &amp;c.

\$436,600

From Louisville,

175,000

---

\$611,000

---

5. *What amount has been paid in on the capital stock?*

Ans.—There has been paid in by stockholders up to this time, including \$4000 anticipated on the call now made, but not finally due until the 10th of January,		123,712
Of which there has been expended,	\$120,798	
Balance in hand,	2,914	
	<hr/>	\$123,712

6. *What amount does the company owe?*

Ans.—The company owes to H. Clay, for the purchase of Tammany Mills, in water street, intended to be occupied by the company for work shops, in constructing their wagons, carriages, and other machinery,		\$5,000
To the town of Lexington for the Lower Market-house, rented to the company at \$200 per annum, forever, equal to	3,333 33	
In England, balance of contract for 660 tons of iron, £450 sterling, equal to	2,000	
To Bank U. States for lots for a depot,	350	
	<hr/>	10,683 33

The company also owes for damages about \$900. That amount has, however, been handed to the Chief Engineer, to pay over to the claimants, and, therefore, cannot be properly considered a debt. It is possible there may be also due some small balance from the company to its forwarding agents. Our contractors were paid up, according to contract, on the 1st of the present month. It is our invariable practice to pay monthly.

7. *What amount of property has the company on hand?*

Ans.—We have 660 tons of iron here and in Europe—(about 125 tons have been laid down)—on which has been paid,		26,000
Real estate,	\$17,083 33	
Less due on account,	9,033 33	
	<hr/>	8,050
Carriages, horses, &c.		2,500
Mathematical Instruments,		1,000
		<hr/>
		\$37,900

8. *What do you anticipate will be the net proceeds of the road when completed?*

Ans.—In answering this question it will be proper to remark, that, with the exception of Fayette county, we have no accurate information on which to found an opinion. In the year 1830, I ascertained that the town of Lexington, including the manufactures in her vicinity, paid transportation on 6000 tons to and from the Ohio river, at \$10 per ton, average. The principal articles were,

Hemp and Hempen manufactures, 1500 tons.  
 2400 bales of Cotton, part direct from



Tennessee and Alabama, but which will be transferred to rail road, equal to	500	"
Half that amount, at least, was returned to the Ohio manufactured,	250	"
Salt,	400	"
All other articles,	3,350	"

---

6,000 tons.

But the traffick between Fayette county and the Ohio river, and intermediate points, may be set down at 5000 tons, at 20 cents per 100 lbs,	20,000
Transportation for the counties of Clark, Madison, Bourbon, Jessamine, Scott, Woodford, Mercer, Garrard, Lincoln, Franklin, in the aggregate 2000 tons, at 17½ cents per 100 lbs,	7,000
All the residue of the line, 1000 tons at 10 cents per 100 lbs,	2,000
Transportation round the Falls, 20,000 tons at 30 cents per ton, which is less than half the price now paid,—say 20,000 tons at 30 cents per ton,	6,000
Transportation of mail,	5,000
For 30 passengers per day, between Portland and Louisville, (that is to say, 30 each way,) at 12½ cents,	2,737
For 13 passengers per day, each way, maintained through the line from Lexington to Louisville, at \$3 50 each,	40,880
	<hr/> 83,617
Charges on the above business, 25 per cent.	20,904
	<hr/> \$62,713

9. *What sum does the company wish to borrow, &c.?* Ans.—The company requires and wishes to borrow \$300,000, which, with the amount subscribed and relied upon, to be promptly met, is believed to be sufficient to meet the expenditures necessary in constructing a single line of rail-way from Lexington to Louisville. And the company expect to obtain a loan for that amount from the Eastern capitalists, on the bonds of the company, if aided by a pledge of the faith and credit of the state, that the company will comply punctually with its engagements made in obtaining said loan.

10. *What is the indemnity which the company proposes to give the state, &c.?* Ans.—The company proposes to give the state an assignment, by way of mortgage, of all their property of every description, and the individual bonds of the directors, that the expenditures of the company shall be at least double the amount of the sum for which the state shall guarantee. For a more full and perfect response to this interrogatory, I beg to refer to the Bill, recently reported to the House of Representatives.

The foregoing responses to the several interrogatories, propounded by the honorable committee, is respectfully submitted; and it will afford

me pleasure to give them any further information, if necessary, to aid them in their deliberations.

I have the honor to be,

Very respectfully,

Your ob't. servant,

ELISHA I. WINTER,

*Pres't. Lex. & Ohio Rail Road Co.*

LEXINGTON & OHIO RAIL ROAD OFFICE,}

*Lexington, December 15, 1832.* }

*Answer 11*—There has been done on the 2nd division of the road work to the amount of \$42,556 86, up to the 17th instant. That is to say—

In earth excavation, 136,221 cubic yards,	\$32,622 81
In rock do. 7,610 " "	4,384 50
Of masonry, 4282 perches,	5,649 50
	<hr/>
	\$42,556 81

The above work is done on twenty sections of the second division, there being, in all, twenty-three sections; three sections remain untouched; they are light, and will be taken up by those Contractors who first finish their job.

For a detailed statement of the work done, the prices paid, &c., I beg to refer to the Engineer's report, handed herewith.

It is proper to remark that the measurement of the work was accurately made up to the 1st instant, and as there has been as many hands employed this month as was last; there has been added to last returns half as much as was done in last month.

E. I. WINTER, *Pres't. &c.*

DECEMBER 18, 1832.

*Ordered,* That the said report be laid on the table.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to authorise Elias Bazell to build a mill on the Louisa fork of Big Sandy river.

An act for the benefit of Spencer Boyd, and others, of Bath county.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county; and

An act to authorise the sale of the real estate of William Brown, a lunatic, for his maintenance.

Mr. Guthrie, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, agreeable to order, had under consideration the petition of sundry citizens

of Cumberland county, praying for the establishment of a new county, out of the counties of Cumberland and Wayne; and the remonstrance of sundry citizens of Wayne county, against the establishment of the proposed new county; and have come to the resolution that the petition *be rejected*; which being twice read,

Mr. Wood moved to amend the same by striking out the words "*be rejected*," and inserting in lieu thereof the words "*is reasonable*."

And the question being taken on adopting the said amendment, it was decided in the negative; and so the said petition was rejected.

The yeas and nays being required thereon, by Messrs. Wood and Gholson, were as follows, viz:

YEAS—Messrs. Churchill, Gholson, H. Owsley, W. Owsley, Wood—5.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Clark, Cunningham, Dejarnatt, Dougherty, Fleming, George, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, Parks, Payne, Rodman, Rudd, Sisk, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—30.

Mr. W. Owsley, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to establish a road from Louisville to the state line, in a direction to Knoxville, reported the same with amendments; which were twice read and concurred in.

The said bill was referred to the committee of finance.

Mr. Wickliffe moved to take up the resolutions in relation to the United States Bank and the public lands, read and laid on the table by him on the 2d instant.

And the question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and George, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—17.

NAYS—Messrs. Beaseman, Brown, Campbell, Churchill, Clark, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Wingate, Wood—18.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Clark—1. A bill to establish an additional election precinct, in Woodford county.

By Mr. Brown—2. A bill to authorise persons, prosecuted for felony in the county of Jessamine, to be confined in the jail of Fayette county.

By Mr. Fleming—3. A bill to change the meeting of the General Assembly; and



By Mr. W. Owsley—4. A bill to amend the law prohibiting the importation of slaves into this state.

Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first bill having been dispensed with; it was referred to a committee of Messrs. Clark, Brown, Thornton, James, Beatty and Sisk.

The rule of the Senate, constitutional provision, and second and third readings of the second bill, having been dispensed with,

*Resolved*, That the said bill do pass; and that the title thereof be as aforesaid.

*Ordered*, That the public printer print one hundred and fifty copies of the fourth bill, for the use of the General Assembly.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined an enrolled resolution, "to appoint a joint committee to examine and report the condition of the Government House;"

That they had found the same truly enrolled; that the Speaker of the House of Representatives had signed the same; whereupon the Speaker of the Senate affixed his signature thereto; and it was delivered to said committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

It being twelve o'clock, (Meridian,) the Speaker directed the orders of the day to be taken up;

When Mr. Hardin moved that the consideration of the orders of the day be suspended, for the purpose of taking up the said resolutions, read and laid on the table, by Mr. Wickliffe, on the 2d instant.

And the question being taken on the said motion, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wickliffe, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Fleming, George, Gholson, Griffith, Hardin, Marrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—19

NAYS—Messrs. Beaseman, Campbell, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Wingate, Wood—15.

The said resolutions were taken up and committed to a committee of the whole house, on the state of the commonwealth, for to-day. Whereupon, the Senate resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Fleming in the chair. After some time spent in committee, the Speaker

resumed the chair; when Mr. Fleming reported that the committee had, according to order, had under consideration the said resolutions, and had gone through the same and made sundry amendments thereto, which he handed in at the clerk's table. The said amendments were severally twice read and concurred in.

The said resolutions, as amended, are as follows, viz:

Whereas, the lands belonging to the United States, within the boundary of the thirteen United States, were conquered from the crown of Great Britain by the united valor and sacrifices of all the States, and were, by the respective States within which they then lay, as a reward to the whole people of the United States, for such sacrifices of blood and treasure, conveyed to the National Government, in trust for the whole people of these United States: And whereas, the public lands lying within the country called Louisiana, were purchased from the Government of France, by the Government of the United States, and the price paid was from the treasury and the property of all the people of the United States,—

1. *Resolved therefore, by the General Assembly of the Commonwealth of Kentucky, That the public lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore, the Congress of the United States ought not to cede such lands to such States, or any of them; or to appropriate such lands for any purpose whatever, but in behalf, and for the benefit, of the people of all the States.*

2. *Resolved, That, so soon as the national debt is paid off, all moneys arising from the sales of the public lands, after defraying the expenses incident to the sales, ought to be distributed among the several States according to the federal numbers of each State.*

3. *Resolved, That the General Assembly of the State of Kentucky deem a Bank of the United States, so constituted and organized as to secure to the nation the maintenance of a sound, wholesome and convenient currency, indispensable to the prosperity of the country, and that the nation cannot dispense with such a bank, without a certain prospect of private and public distress; and, therefore, instruct their Senators, and request their Representatives, in the Congress of the United States, to use all just and constitutional means, to sustain the Bank of the United States, in its credit and usefulness, and in all its rights and privileges, under its charter; and do further instruct their Senators, and request their Representatives, to use their best endeavors to procure, and that they vote for, the passage of an act of Congress re-chartering said Bank.*

4. *Resolved further, That the Legislature of the State of Kentucky have seen with surprise, and view with regret, the efforts made to embarrass the Bank of the United States in its operations, and to force unnecessarily, the Bank to withdraw its funds from circulation and to reduce its discounts, to the great oppression of its debtors, and to the injury of every branch of trade and labor.*

5. *Resolved*, That the General Assembly of Kentucky highly disapprove all efforts to destroy the credit and standing of the Bank of the United States, by representing, or insinuating, that said institution is insolvent, and that it was no longer safe to make the public deposits in said bank or its branches; thereby, injuring not only the credit of the bank, but seriously affecting the interests of individual stockholders, and the whole labor and industry of the country.

6. *Resolved further*, That this General Assembly condemns the effort of the President of the United States and the Secretary of the Treasury, in their attempts to place the public funds into private or State Banks instead of the National Bank, as tending greatly to endanger the safety of the public funds, to increase (injuriously to the public,) the power and patronage of the President and the said Secretary, and as ruinous to public confidence and the safety of a national currency.

7. *Resolved, therefore*, That we instruct our Senators, and request our Representatives in Congress, to use all lawful and constitutional means to prevent the public deposits from being withdrawn from the Bank of the United States, and placed into private or State Banks, or elsewhere, at the discretion of the President, or said Secretary, of the United States.

8. *Resolved*, That, in the opinion of this General Assembly, *an institution, such as is PROPOSED by the President of the United States in his annual message of 1830—that is to say, a “National Bank,” founded “on the credit of the government and its revenues”—*would be a dangerous institution, calculated to enlarge the powers of the executive department, and put to hazard the best interests of the United States.

9. *Resolved*, That copies of the foregoing resolutions be forwarded, by the Governor, to the Executives of the several States, with a request that they lay the same before the Legislatures of the States respectively; also, a copy to each of our Senators and Representatives in the Congress of the United States, with a request that they lay the same before each branch of the National Legislature.

Mr. Guthrie moved to amend the first resolution, by striking out all that part printed in *italics*, and inserting in lieu thereof these words, “that the Congress of the United States may rightfully appropriate such lands in any way that will conduce to the general welfare.”

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Sisk, Stephens, Wingate, Wood—12.



NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—21.

The question was then taken on adopting the first resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Payne, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—28.

NAYS—Messrs. Dejarnatt, Dougherty, Guthrie, Parks, Sisk—5.

Mr. Guthrie moved to amend the second resolution, by adding thereto the following proviso, viz:

“*Provided* the public exigencies and the general welfare should not require such moneys to be otherwise disbursed.”

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Guthrie and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, Harris, James, Parks, Sisk, Stephens, Wingate, Wood—11.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—22.

The question was then taken on adopting the second resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rudd, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—27.

NAYS—Messrs. Dejarnatt, Dougherty, Guthrie, Harris, Sisk, Wood—6.

Mr. James moved to amend the third resolution, by inserting after the words “*Bank of the United States,*” printed in *italics*, these words, “which, by its charter, prohibits foreigners from holding, directly or indirectly, stock in said bank, and”.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. James and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Sisk, Stephens, Wingate, Wood—13.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Radd, Taylor, Thompson, Thornton, Wickliffe—21.

Mr. Guthrie moved to amend the third resolution, by striking out the whole of the said resolution after the words “Bank of the United States,” printed in *italics*, and inserting in lieu thereof these words, “convenient, necessary and proper, to aid the Treasury department of the United States in the collection and disbursement of the public revenue; and that a Bank of the United States, properly organized and managed, is conducive to a sound, wholesome and convenient currency, and well calculated to promote private and public prosperity.”

Mr. Fleming called for a division of the question; and the question being taken on striking out the part of the resolution as proposed, it was decided in the negative; and so the said amendment was rejected.

The yeas and nays being required thereon, by Messrs. Hardin, and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Radd, Sisk, Stephens, Wingate, Wood—12.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—21.

The question was then taken on adopting the third resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Radd, Taylor, Thompson, Thornton, Wickliffe—22.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Sisk, Stephens, Wingate, Wood—12.

The question being taken on adopting the fourth resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wingate, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—16.

The question being taken on adopting the fifth resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Hardin, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—16.

The question was then taken on adopting the sixth resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—16.

The question being taken on adopting the seventh resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Boyd, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—22.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Sisk, Stephens, Wingate, Wood—12.

Mr. Guthrie moved to amend the eighth resolution, by striking out the word "PROPOSED," printed in SMALL CAPITALS, and inserting in lieu thereof "*suggested*."

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wingate and Dougherty, were as follows, viz:



YEAS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Wingate, Wood—15.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—19.

Mr. Wood moved to amend the eighth resolution, by striking out the words, “an institution, such as is proposed by the President of the United States in his annual message of 1830—that is to say.”

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Dougherty and Boyd, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—16.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

The question was then taken on adopting the said eighth resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Wickliffe, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wingate, Wood—24.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Sisk, Stephens—11.

The question being taken on adopting the ninth resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—22.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Sisk, Stephens, Wingate, Wood—13.

And then the Senate adjourned.

## TUESDAY, JANUARY 8.

The Senate assembled.

1. Mr. James presented the petition of William Tipton, praying that a law may pass authorising the sale of two lots in the town of Columbus, the property of Samuel and Elmina Tipton, his children, who are under the age of twenty-one years, and that the proceeds of the sale be vested in other lands.

2. Mr. Thompson presented the petition of the trustees of the Baptist Education Society, praying that a law may pass authorising them to emancipate a negro slave, devised to said society by Issachar Pawling, agreeably to the verbal request of the said Pawling; and

3. Mr. Thornton presented the petition of Matthew D. Hume, praying that the county court of Bourbon may be authorised to permit him to erect gates on the road from Reed's mill to Mount-sterling, where the same passes through his land in said county.

The said petitions were each received and referred: the first and second, to the committee of courts of justice; and the third, to a committee of Messrs. Thornton, Brown and Fleming.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to amend and reduce into one, the several acts concerning the town of Augusta, in Bracken county, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Isabella Marshall, of the county of Campbell, reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Griffith, from the committee to whom was referred a bill to authorise the clerk of the Hopkins county court to transcribe the minutes of said court, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be, an act to authorise the clerks of the county courts of Hopkins, Union and Hancock, and the circuit court of Harrison, to transcribe certain records in their respective offices.

Mr. Harris, from the committee to whom was referred a bill for the benefit of the representatives of James Honaker, deceased, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Dougherty, who voted in the majority, the vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of the wife and children of William Green, a lunatic; and the said bill was referred to the committee of courts of justice.

On the motion of Mr. Hardin,

*Resolved*, That those parts of the Governor's message which refer to our relations, and that of the other states, with the general government, be referred to a select committee consisting of five members.

*Resolved*, That the Governor's message, with the accompanying documents, in relation to the Ordinance and Resolutions of South Carolina, be referred to a select committee consisting of five members.

Whereupon, Messrs. Hardin, W. Owsley, Clark, Guthrie and Wingate, were appointed a committee pursuant to the first resolution; and Messrs. Hardin, Wickliffe, Campbell, Taylor and Wood, were appointed a committee pursuant to the second resolution.

Mr. Campbell moved the following resolution, viz:

*Resolved*, That during the remainder of the session the Senate will meet at 9 o'clock, A. M.

And the question being taken on adopting the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Campbell, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Churchill, Clark, Dejarnatt, Dougherty, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rodman, Sisk, Stephens, Thompson, Thornton, Wingate—26.

NAYS—Messrs. Brown, Cunningham, James, Payne, Rudd, Taylor, Wood—7.



The resolution fixing a day for the election of public officers was taken up, twice read, and adopted, as follows, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That they will, by joint vote of both houses, on the 15th of this instant, (January, 1833,) proceed to the election of a Treasurer, Public Printer, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth of Kentucky.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie—1. A bill making certain promissory notes negotiable after the nature of bills of exchange.

On the motion of Mr. Beaseman—2. A bill to legalise the proceedings of the court of assessment of fines of the 20th Regiment, Kentucky Militia.

On the motion of Mr. Murrell—3. A bill regulating the price of certain ferriages in this commonwealth.

On the motion of Mr. Churchill—4. A bill for the benefit of Benjamin Tobin.

On the motion of Mr. Bibb—5. A bill to remove the obstructions to navigation at the falls of Green river, and for other purposes.

On the motion of Mr. Harris—6. A bill to provide for improving the road from Floyd court-house to Perry court-house.

On the motion of Mr. Fleming—7. A bill further to regulate the town of Mt. Carmel, in Fleming county.

On the motion of Mr. H. Owsley—8. A bill to establish libraries in the towns of Mount Vernon, in Rockcastle county, and London, in Laurel county; and

On the motion of Mr. Wickliffe—9. A bill to amend the laws concerning Transylvania University.

Messrs. Guthrie, Campbell and W. Owsley, were appointed a committee to prepare and bring in the first; Messrs. Beaseman, James and Campbell, the second; Messrs. Murrell, Hardin, Churchill, Cunningham and Guthrie, the third; the committee of finance, the fourth; Messrs. Bibb, Payne, Murrell and Clark, the fifth; Messrs. Harris, Stephens and Wingate, the sixth; Messrs. Fleming, Beatty and W. Owsley, the seventh; Messrs. H. Owsley, Clark and W. Owsley, the eighth; and Messrs. Wikliffe, Thornton and Brown, the ninth.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to repeal, in part, an act declaring Beaver creek, in Barren county, a navigable stream.

And that they had passed bills of the following titles, viz:

An act to change the time of holding the November term of the Casey circuit court.

An act to legalise the appointment of certain constables in Graves county, at their November term, 1832.

An act for the benefit of the Barboursville Seminary, in Knox county; and

An act for the benefit of St. Joseph's College, at Bardstown.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Guthrie, from the committee of courts of justice—1. A bill for the benefit of the estate of Henry Ditto, jun.

By Mr. Clark, from the committee of internal improvements—2. A bill to alter and amend the law in relation to the Turnpike and Wilderness road.

By Mr. Sisk—3. A bill to enlarge the town of Madisonville.

By Mr. Sisk—4. A bill concerning the town of Henderson.

By Mr. Guthrie—5. A bill making certain promissory notes negotiable, after the nature of bills of exchange.

By Mr. Wickliffe—6. A bill to amend the laws concerning Transylvania University; and

By Mr. Thompson—7. A bill authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second and fifth bills, having been dispensed with; the second was referred to the committee of internal improvements; and the fifth to the committee of courts of justice.

The rule of the Senate, constitutional provision, and second and third readings of the first, third, fourth and sixth bills, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid: except the third, and that it be amended by adding thereto, "and for other purposes."

The Senate resumed the consideration of the resolutions, read and laid on the table by Mr. Wickliffe on the 2d instant.

Mr. Hardin moved a substitute for the preamble; which was amended and adopted, and is as follows, viz:

Whereas, the President of the United States, in his message to Congress on the second day of the present session, suggested the propriety of the government of the United States surrendering to the new States respectively, all the waste and unappropriated land within their limits: the same policy would lead to a surrender of the public domain in the Territories, whenever they should come into the Union as States.

It becomes necessary for the other States to enquire into and investigate the justice of such a measure; and to do that, the first question for consideration is, how did the government of the United States become invested with the public lands? The history of

the title is this: By the definitive treaty of peace with Great Britain in, 1783, the boundaries of the United States and their Territories are defined. The right and title of Great Britain to any of the waste lands within those defined limits, were the joint purchase of the people of the United States, and for their common interest and benefit: the consideration paid was the treasure of the people, and the best blood of the land. A number of the old thirteen States had claims to land lying North of the Ohio, East of the Mississippi, and South of the Lakes; these claims were surrendered to the United States, to be held by her for the common good and benefit of all. The United States purchased Louisiana of the Government of France, for the sum of fifteen millions of dollars: the money paid was the common property of all the States. The lands within the now States of Mississippi and Alabama were, in 1802, purchased of Georgia by the United States. The consideration given was one million two hundred and fifty thousand dollars, and at the expense and cost of the United States, to extinguish the Indian title to the lands within the limits of Georgia. Subsequent to the cession of the land by Georgia, the Yazoo company and Tennessee company set up claim to a great part of the land ceded by Georgia; the foundation of the claim of the company, was a corrupt bargain and cession of said land by Georgia to these companies, before the cession made to the United States. Congress declared the claim of the Yazoo and Tennessee companies void, on account of the corruption and bribery practised by those companies in obtaining the grant. The dispute was subsequently decided by the Supreme Court of the United States in favor of the validity of the claim; a compromise took place, and the United States paid \$5,000,000 for the claim. The whole sum paid for that land is not less than \$10,000,000. Out of these transactions has the unfortunate controversy grown up, between the United States and Georgia: that State demanding a speedy extinguishment of the Indian title, which the United States have not been able to effect. For Florida the United States paid Spain \$5,000,000, and about \$10,000,000 have been paid to the Indians for the extinguishment of their title; making in all of money paid, about \$40,000,000.

When the title is thus derived, is not the vacant land in the new States and Territories, common property? Have they not been paid for with the blood and treasure of all the people of the States? And when the public debt is paid off and extinguished, for the payment of which they were pledged by Congress, if not then retained to defray in part the ordinary expenditures of the government, ought not the proceeds, after paying the cost of surveying, selling, &c. be divided among the States? Surely every man must answer these questions in the affirmative.

What claim have the new States to the land within their limits,



by the compact made by each State with the United States, upon obtaining permission to become a State? It is expressly stipulated that the United States shall own and sell, at will and pleasure, the public lands. This article in the compact is a fundamental part of their constitution, being accepted and ratified in convention.

It is alleged by some, that this article in the compact interferes with the great and unalienable right of sovereignty, and is therefore void. There is nothing in this point. The United States was competent to make such a contract, and so was the States. It is a fit subject of contract between governments: as much as that of Louisiana, between France and America, and the cession of Florida, by Spain, to the United States. The constitutionality and validity of this article, in the compacts with the new States, have been virtually recognised by the courts of the Union and of the States, in their adjudication upon lands patented by the President.

In point of justice, what claims have the new States to the land? The answer is surely—none. In the compacts made with the government of the United States, they have obtained already one sixteenth part for schools, and five per centum upon the sales of the residue, for roads and canals, making about one eighth part. These donations were bounties, and not based upon the principles of justice. When, in addition to that, the new States obtain their proportion of the residue, according to federal numbers, justice and liberality will have been meted out to them with an overflowing measure, and with which they and the President ought to be satisfied.

As it respects Kentucky, she has had no part of the public money—no part of the public lands: her people are the hewers of wood and drawers of water. It may be asked, is it her interest to set by, and tamely surrender her right in the public lands, because the new States may require it, and a President may will it? Every man, who has the interest of his State at heart, will answer, no. Let it be asked, what would be the amount of the interest of Kentucky in the public lands, when distributed according to federal numbers? The answer is, not less than ten millions of dollars; which sum, judiciously laid out, as annual distributions should be made, would clear out the obstructions in her rivers, and make them navigable, turnpike her roads, and endow her schools, seminaries, colleges and universities, and render the country rich, by a circulation of the money among the people for their work, provisions, &c. Wherefore,

The yeas and nays being required on the adoption of the said preamble, by Messrs. Wingate and Wickliffe, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Gholson, Guthrie, Harris, James, Murray, Parks, Rodman, Sisk, Stephens, Wingate, Wood—16.

Mr. Wingate presented the petition of William Jewell and Eleanor Jewell, representing that the said Eleanor filed a bill in chancery against Oliver Cromwell, her former husband, and was, as she believed, divorced from him by a decree of the circuit court, and that she then married the said Jewell; that the petitioners have lately discovered there was a defect in the bill and decree; and praying that a law may pass divorcing the said Eleanor, in form, from the said Cromwell, and legalising their marriage.

The said petition was received, and referred to the committee of religion.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State; also,

A message announcing that the Governor did, on the 4th inst., approve and sign an enrolled bill, which originated in the Senate, entitled, an act for the benefit of the head-right and Tellico settlers; and on the 7th instant, did approve and sign a joint resolution, which originated in the Senate, entitled, a resolution to appoint a joint committee, to examine and report the condition of the Government house.

And then the Senate adjourned.

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### WEDNESDAY, JANUARY 9.

The Senate assembled.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill to alter and amend the law in relation to the Turnpike and Wilderness road, reported the same with an amendment; which was twice read and concurred in—

When Mr. George presented the remonstrance of sundry citizens against the passage of the said bill.

The said bill and remonstrance were referred to the committee of internal improvements.

Mr. Beatty moved the following resolution, viz:

*Resolved*, That nominations by the executive from either of the Legislative branches, are regarded as unsafe in principle and injurious in practice: and that the Senate of Kentucky, in acting upon nominations from the executive of this state, will feel itself bound, by a proper sense of its duty, to withhold its constitutional advice and consent to any nominations made to this body for office, from either branch of the Legislature, during the session when the nominee may have taken his seat.

Which being twice read, Mr. Guthrie moved to lay the same on the table until the 1st day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin, and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Wingate, Wood—15.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Guthrie and Hardin, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Campbell, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Wingate, Wood—15.

Mr. Wood, from the committee of religion, reported a bill for the benefit and relief of Eleanor Jewell; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with; it was referred to the committee of religion.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 3d instant, approve and sign an enrolled bill, which originated in this house, of the following title, viz:

An act to regulate the Jefferson and Oldham circuit courts.

And did, on the 4th instant, approve and sign enrolled bills, which originated in the same, of the following titles, viz:

An act to authorise the recording of deeds remaining unrecorded, in the clerk's office of the Logan county court, at the death of the late clerk.

An act to change the place of voting in the Caney precinct, in the county of Ohio.

An act to change the mode of publishing the decisions of the appellate court.

An act for the benefit of Dorcas Worley.

An act to authorise Edward Turner to erect a mill-dam and mill, on the middle fork of the Kentucky river, in Clay or Perry county.



An act for the benefit of the jailor of Logan county; and  
An act to establish an election precinct in Barren county.

That they had concurred in the amendment proposed by the Senate to a bill from that house, entitled, an act for the benefit of Benjamin Robison.

That they had passed a bill from the Senate, entitled, an act to add a part of the county of Oldham to the county of Shelby.

And that they had passed bills of the following titles, viz:

An act concerning the county of Meade.

An act to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington and Frankfort to Ghent.

An act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee.

An act to change the time of the meeting of the Legislature of Kentucky.

An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

An act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes.

An act for the regulation of the town of New Market, in Washington county.

An act for the benefit of Flora N. C. Harding.

An act for the benefit of Louisa E. Barnes.

An act for the benefit of Henry Small.

An act for the benefit of Malinda Noe; and

An act to incorporate a company, to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

Mr. Wood, from the committee of religion, reported a bill for the divorce of Mary Richardson; which was read the first time, and ordered to be read a second time.

Mr. Wood, from the same committee, to whom was referred bills from the House of Representatives, entitled, an act for the benefit of Polly Seeders; and, an act for the benefit of Cynthia Ann Lutes; reported the same without amendment.

The question being taken on reading the said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Washingtonport, in the county of Russell, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought *not* to pass.

Which being twice read, Mr. Beatty moved to amend the said resolution by striking out the word "not."

The question being taken on adopting the said amendment, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Beatty and Fleming, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Hardin, James, Murray, H. Owsley, Parks, Payne, Sisk, Wood—11.

NAYS—Messrs. Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, Fleming, Gholson, Guthrie, Marrell, W. Owsley, Radd, Stephens, Thompson, Thornton—16.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a town be established in the county of Russell, on the lower side of Beaver creek, near the mouth thereof, on the land of Peter Ellis, to be called and known by the name of Washingtonport, and that William Owens, Claudius Buster and Jeremiah S. Pierce, be, and they are hereby, appointed trustees of said town, who, or a majority of them, in conjunction with the said Peter Ellis, shall lay out not exceeding one hundred and fifty acres of land, to be laid off as the boundaries of said town; one plat thereof shall be recorded in the county court clerk's office of Russell, and one other in the book of the trustees of said town.

Sec. 2. *Be it further enacted,* That the trustees shall take an oath before some justice of the peace, before they enter upon the duties of their office, faithfully to discharge the duties of trustees; which oath shall be certified by said justice, and recorded in the trustees' book. The said trustees shall possess all the power and authority, as other trustees of towns, to appoint officers, take bonds from them, and pass by-laws for the regulation of said town.

Sec. 3. *Be it further enacted,* That the fee simple of said land shall be vested in said trustees, and their successors: and that they are hereby authorised to make conveyances to the purchasers of lots in said town, upon the production of the proprietor's receipt for the consideration money.

SEC. 4. *Be it further enacted,* That in case of death, resignation, or refusal to act, of any of the trustees, the remaining trustee, or trustees, shall have full power and authority to fill such vacancy, or vacancies, and so on thereafter, until the number of qualified voters in said town shall amount to twenty: then the inhabitants of said town shall annually elect trustees: and the trustees so appointed as aforesaid, or elected, shall take the oath required, and possess all the power and authority of trustees.

On the motion of Mr. W. Owsley, the committee of courts of justice was discharged from the duty of preparing and bringing in a bill, to amend the laws relating to the general court.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the wife and children of William Green, a lunatic, reported the same without amendment.

Mr. Wickliffe moved to amend the said bill, by striking out the second section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Dougherty, were as follows, viz:

YEAS—Messrs. Churchill, Dejarnatt, W. Owsley, Payne, Taylor, Thompson, Wickliffe—7.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Clark, Cunningham, Dougherty, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, Parks, Rodman, Rudd, Sisk, Stephens, Thornton, Wingate, Wood—26.

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and W. Owsley, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Clark, Cunningham, Dougherty, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, Parks, Rodman, Rudd, Sisk, Stephens, Thornton, Wingate, Wood—26.

NAYS—Messrs. Churchill, Dejarnatt, W. Owsley, Payne, Taylor, Thompson, Wickliffe—7.

Mr. Thornton, from the committee appointed for that purpose, reported a bill for the benefit of Matthew D. Hume; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of William R. McFerrin, and others; and  
An act for the benefit of John Smith and Bartlett Hill.

And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to said committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.



A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

A bill to provide for the location of the Lexington and Ohio Rail Road through the city of Louisville, and for other purposes, was taken up, amended, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

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THURSDAY, JANUARY 10.

The Senate assembled.

The Speaker laid before the Senate the petition of D. W. Poor, Nicholas Gotier and Richard Curd, securities of Spencer Curd, dec'd. late clerk of the Logan circuit and county courts, praying that a law may pass to provide for certifying the taxes on deeds, seals, &c. received by said clerk during the last year, and giving further time to pay the same into the treasury.

Mr. Thornton presented the petition of the members of the county court of Bourbon, praying that an ad valorem tax be laid on the lands in said county, to pay the subscription of the said court for stock in the Maysville, Washington, Paris and Lexington Turnpike Road Company.

Mr. James presented the petition of sundry citizens of the town of Columbus, praying that the privilege of building a steam mill and warehouse on the bank of the Mississippi river, in the commons of said town, may be granted to John Swayne and Price Edrington; and

Mr. Bibb presented the petition of Thomas Anderson, praying that a law may pass authorising the sale of a tract of land, in Green county, belonging to his children, who are under the age of twenty-one years: and that the proceeds of the sale be vested in other land.

The said petitions were received and referred; the first to the committee of finance; the second to a committee of Messrs. Thornton, Clark and Brown; and the third and fourth to the committee of courts of justice.

Mr. W. Owsley, from the committee of courts of justice, reported a bill to explain and amend the act approved December 22d, 1831, requiring tavern keepers, peddlars of clocks, and owners and keepers of covering horses and jacks, to pay taxes in advance and

obtain license; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended, and referred to the committee of finance.

On the motion of Mr. Clark, the committee of internal improvements was discharged from the further consideration of a bill to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South fork of said river up to the coal banks; and the said bill was referred to the committee of finance.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill to alter and amend the law in relation to the Turnpike and Wilderness road, reported the same without amendment.

The said bill is as follows, viz:

Whereas, it is represented to the present General Assembly, that it would greatly facilitate and promote the improvement of the Turnpike and Wilderness road, to change the manner of working the same—Therefore,

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That from and after the twenty-fifth day of February, in the year eighteen hundred and thirty-three, that part of the Turnpike and Wilderness road leading from Cumberland Gap, by way of Barboursville, to the forks near the Laurel bridge, shall compose one precinct, to be worked under the management and superintendence of Joseph Eve, for the term and period of fifteen years.

Sec. 2. *Be it further enacted,* That the said Joseph Eve shall receive, from time to time, from the keeper of the turnpike gate, his due proportion of the money which is now appropriated by law on said Wilderness road, agreeably to the distance of each precinct, on said road; and in appropriating the same, he shall expend and lay out a due proportion of said money on said road, from Cumberland Gap to James Pogue's.

Sec. 3. *Be it further enacted,* That the said Joseph Eve shall, before he enters upon the duties assigned to him by this act, enter into bond, with good and approved securities, in the county court of Knox county, to be approved by said court, in the penal sum of ten thousand dollars, payable to the commonwealth of Kentucky, conditioned to be void on the said Eve's faithfully discharging his duty agreeably to the provisions of this act; which bond may, from time to time, be put in suit, in said court, for any failure on the part of said Eve.

Sec. 4. *Be it further enacted,* That James Rentfro, sen. and Thomas Tuggle, of Knox county, and William Beard, of Harlan county, be appointed commissioners to examine the condition of said road at least twice a year; and if at any time, in the opinion

of said commissioners, the said Eve shall have failed to perform his duty in improving the condition of said road. it shall be their duty to institute suit for such failure, against said Eve and his securities, upon their bond. The said commissioners shall receive two dollars per day for their services, while they shall be necessarily employed in examining the condition of said road, to be paid by the said Eve, out of the money he may receive for the improvement of said road.

Sec. 5. *Be it further enacted*, That the Legislature reserves to itself the right to repeal this act at any time, should they believe, from good authority, that the said Eve has failed to discharge his duty in good faith.

Sec. 6. *Be it further enacted*, That the present superintendent, or surveyor, on that part of the road lying between Cumberland Gap and the Laurel river bridge, passing by the way of Barboursville, be, and he is hereby, required to surrender and give up to the said Joseph Eve, on application, all the tools and public property in his or their possession, for which said Eve is hereby required to give a receipt.

Sec. 7. *Be it further enacted*, That said Joseph Eve shall be allowed to retain two hundred dollars per annum, as compensation for his services for keeping up said road, and disbursing the money; and that he shall annually, at the commencement of the session of the General Assembly of this state, report to the Legislature the amount of money received by him from the keeper of the turnpike gate, and the manner in which it has been disbursed, and file in the clerk's office of Knox county court a duplicated copy of said report.

Sec. 8. *Be it further enacted*, That the circuit court of Madison shall have jurisdiction of all suits which may arise under this act.

Sec. 9. *Be it further enacted*, That should the said Eve not execute bond and security, as in this act provided, against the 1st of April next, this act shall cease to be in force, and the law, now in force, continue in full force.

Mr. George moved to lay the said bill on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. George and Clark, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Fleming, George, Gholson, Griffith, Hardin, Harris, James, Murray, Parks, Payne, Rodman, Ridd, Sisk, Stephens, Taylor, Thompson, Thornton, Wingate—22

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Dougherty, Guthrie, Murrell, H. Owsley, W. Owsley, Wood—12.



A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act appropriating a portion of the vacant lands, in the district of country West of the Tennessee river, for the purpose of education, or of making certain improvements in said district.

An act regulating and defining the powers of trustees of the town of Brandenburg, in the county of Meade.

An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.

An act to establish an election precinct at the great falls of Rough creek, in the county of Breckenridge; and

An act to establish the Louisville Bank of Kentucky.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Payne—1. A bill for the benefit of Isaac Smith.

On the motion of Mr. Hardin—2. A bill for the benefit of the heirs of James Blincoe, deceased.

On the motion of Mr. Hardin—3. A bill for the benefit of the heirs of John Nalle, deceased; and

On the motion of Mr. Harris—4. A bill to prescribe limits to the discretion of courts of justice in certain cases.

Messrs. Payne, Cunningham and Bibb, were appointed a committee to prepare and bring in the first; Messrs. Hardin, Guthrie and Thornton, the second and third; and the committee of courts of justice, the fourth.

Mr. Clark, from the committee to whom was referred a bill to establish an additional election precinct in Woodford county, reported the same with amendments; the said amendments were twice read and concurred in.

Mr. Brown presented the remonstrance of sundry citizens of Woodford county, against the establishment of a precinct in said county; and Mr. Clark presented the petition of sundry citizens of said county favorable thereto.

The said bill was then amended, by striking out so much as relates to Woodford county, and recommitted to a committee of Messrs. Sisk, Brown, Thornton, James and Beatty.

On the motion of Mr. James the following resolution was adopted, viz:

Whereas, it appears by the Auditor's official report, made to the Legislature in the year 1829, that the treasurer of the town of Columbus was a defaulter to the state in that year to the amount of \$577 80; and that by his report in the years 1830, '31, and '32, that the said treasurer's defalcation has increased to the sum of \$1,473 85—Therefore,

*Resolved*, That the Auditor of Public Accounts be requested to communicate to the Senate, the causes that have obstructed or prevented the payment of the aforesaid sum of \$1,473 85 into the Treasury.

Mr. Beaseman, from the committee appointed for that purpose, reported a bill to legalise the proceedings of the court of assessment of fines, of the 20th regiment, K. M.; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to legalise the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That said bill, as amended, do pass, and that the title thereof be, an act to establish the town of Taylorsville, in Spencer county, and giving the trustees thereof certain powers.

The message of the Governor, received on the 5th instant, was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate for your advice and consent, Claudius Buster, to be commissioned Sheriff of Russell county, in place of S. Wilbourn, resigned, he having been commissioned *pro tem.* by my predecessor in office.

JOHN BREATHITT.

*January 5th, 1833.*

*Resolved*, That the Senate do advise and consent to the said appointment.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

Mr. Rodman presented the petition of Thomas I. Branch, guardian of Edmund, Nicholas, Ellen B., Thomas, Martha and Sarah Ann Brannigan, infant children of John Brannigan, dec'd., praying that a law may pass authorising a sale of several slaves belonging to the said infants, and that the proceeds of the sale be vested in lands; which was received and referred to the committee of courts of justice.

Bills from the House of Representatives of the following titles, viz:

An act to authorise the county court of Hardin county to purchase one hundred additional acres of land, for the poor-house established in said county.

An act to provide for the collection of fines, recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.

An act to authorise the county court of Scott county to increase the allowance to patroles of said county.

An act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to enlarge the limits of the town of Elkton, in the county of Todd.

An act to regulate the town of Simpsonville, in Shelby county.

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act for the benefit of Spencer Boyd, and others, of Bath county.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county; and

An act to change the time of holding the November term of the Casey circuit court.

Were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to incorporate the Franklin Insurance Company.
2. An act to amend the law of evidence in prosecutions for forgery.
3. An act concerning the town of Adairsville.
4. An act to authorise the sale of a street in Russellville.
5. An act for the benefit of Daniel M. Kittinger.
6. An act changing the boundary lines of the 72d Regiment, Kentucky Militia.
7. An act for the benefit of Sally Spillman.
8. An act for the benefit of Maria Tyler.
9. An act for the benefit of Stephen Marcum.
10. An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.
11. An act for the benefit of Thomas Newskirk and wife.
12. An act to dissolve the marriage contract between Francis Conner and wife, and others.
13. An act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties.
14. An act for the benefit of John Shields.
15. An act for the benefit of Henry Crist.
16. An act for the benefit of Samuel S. Scroggin.
17. An act to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county.
18. An act to authorise Elias Bazell to build a mill on the Louisa fork of Big Sandy river; and



19. An act to authorise the sale of the real estate of William Brown, a lunatic, for his maintenance.

The said bills were severally read the first time, and ordered to be read a second time.

The yeas and nays being required on reading the 13th bill a second time, by Messrs. Hardin and Beaseman, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Cunningham, Dejarnatt, Dougherty, Fleming, Griffith, Guthrie, Harris, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rodman, Sisk, Stephens, Thompson, Thornton, Wingate—23.

NAYS—Messrs. Churchill, Clark, Gholson, Hardin, Payne, Taylor, Wood—7.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were severally committed; the first, second, third, fourth, fifth, fourteenth, fifteenth and nineteenth, to the committee of courts of justice; the sixth, to the committee on military affairs; the seventh, eighth, ninth, eleventh, twelfth and sixteenth, to the committee of religion; the tenth, seventeenth and eighteenth, to the committee on internal improvements; and the thirteenth, to a select committee of Messrs. Harris, Hardin, Thornton and Dougherty.

A bill from the House of Representatives, entitled, an act to change the names of Claiborne Brewer and Mary Felicia McMann, was read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A resolution from the House of Representatives, for appointing joint committees for examining the public offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky, was twice read and concurred in.

Whereupon, Messrs. Beatty, George and James, were appointed a committee, on the part of the Senate, to examine the Auditor's office; Messrs. Taylor, Rodman and Payne, to examine the Treasurer's office; Messrs. Wingate, Rudd and Dejarnatt, the Register's office; Messrs. Dougherty, Gholson and Beaseman, the Penitentiary; Messrs. Thornton, Murrell and Bibb, the Bank of the Commonwealth of Kentucky; and Messrs. Fleming, Brown and Boyd, the Bank of Kentucky.

A bill to amend an act, approved December 10th, 1822, for the establishment of a state road from Lexington to Ghent, on the Ohio river; and a bill to amend the law regulating the manumission of slaves; were taken up.

The second readings of said bills having been dispensed with, they were referred; the former to a committee of Messrs. Dough-

erty, Wingate, Fleming, Wickliffe and Beaseman; and the latter to the committee of courts of justice.

Engrossed bills of the following titles, viz: An act to repeal the law now in existence in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements; and an act for the benefit of the Cumberland Hospital; were each read the third time.

*Resolved*, That the said bills do pass; and that the titles thereof be as aforesaid.

A bill to amend the law prohibiting the importation of slaves into this state, was read the second time, and referred to a committee of the whole house, on the state of the commonwealth, for tomorrow.

And then the Senate adjourned.

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FRIDAY, JANUARY 11.

The Senate assembled.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill to amend the law regulating the manumission of slaves, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Franklin Insurance Company, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law of evidence in prosecutions for forgery, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to explain the law concerning the Stanford Academy.

An act for the relief of Abraham Miller, of Hardin county.

An act to change an election precinct in the county of Daviess.

An act for the benefit of William Sears.

An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

An act for the benefit of Ann Jones.

An act to change the place of voting at the Claysville precinct, in Harrison county, and for other purposes.

An act authorising the several county courts of this commonwealth, to permit gates to be erected on certain public roads.

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.

An act for the benefit of Vachel Welden, jailor of Bracken county.

An act to authorise the county court of Casey, to abolish one or both of the precincts for voting in said county.

An act to authorise the appointment of clerks in vacation.

An act for the benefit of Fanny Richardson and her children.

An act to authorise the insertion of advertisements in the "Observer and Reporter," and for other purposes.

Mr. W. Owsley, from the committee of courts of justice, reported a bill limiting the time for which persons may be held to bail for their good behaviour; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended, and

*Ordered*, To be engrossed, and read a third time to-morrow.

Mr. Payne, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Benjamin Robison; and

An act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county;

And found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.



Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Sally Spillman, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the same committee, to whom was referred a bill for the benefit and relief of Eleanor Jewell, made the following report thereon, viz:

The committee of religion, to whom the bill for the relief of William Jewell and Eleanor Cromwell, *alias* Jewell, was referred, have re-examined the subject, and report—

That they are satisfied the said Eleanor did understand herself as having employed the counsel who drew the bill in chancery, to bring a suit for a divorce, as well as for other relief; and the bill was framed, as to allegation, in such manner as to have authorised such decree, but the prayer of the bill is not such as to have authorised it. The specific prayer is, for immediate maintenance, and with the view to subject certain *choses* in action for this purpose, and a general prayer for relief was added, under which the counsel may have supposed a divorce could be granted. The committee are satisfied, that all the parties understood the suit was for a divorce. One witness, who attended to the defence of the suit, proved that he always so understood the case from the time it was instituted: and after the decree, understood and believed the complainant was divorced, and never doubted until the day the petition was presented: and that he had no doubt his principal, Oliver Cromwell, so understood it. The committee do not doubt that the complainant was so informed by her agent; and that both the petitioners believed, and never thought of doubting, that she had been legally divorced, until it was discovered to them, as stated in the petition—more than a year after their marriage.

The re-examination of the record has satisfied the committee, that the testimony was taken, on the behalf of the complainant, with a view to a divorce, as well as for a separate support: and the proof fully establishes, that the said Oliver Cromwell had treated her in a barbarous and inhumane manner, so as even to endanger her life. The accident, as to the decree, seems to have occurred by the omission of a proper prayer in the bill, and by the change of counsel who attended to the cause. The counsel who prepared the decree, at the next term after the case was submitted to the court without argument, not having been particularly informed by the agent of the complainant as to the object of the

suit, looked only to the bill for that purpose, and wrote the decree for alimony only, not asking the court for any other relief.

The committee are unanimously of opinion that the case is fully made out, and that the bill ought to pass.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

Mr. Hardin, from the committee of finance, reported a bill to provide the mode of paying the state's subscriptions in incorporated companies; which was read the first time, and ordered to be read a second time.

Mr. Hardin, from the same committee, to whom was referred a bill to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company, reported the same with an amendment in lieu of the bill.

The said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby, authorised and directed to subscribe for and on behalf of the commonwealth, for the additional number of five hundred shares in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company; and so much of the proceeds of the stock owned by the commonwealth, in the Bank of Kentucky, as will pay the amount of said subscription, be, and the same is hereby, appropriated and set apart for that purpose.

Sec. 2. *Be it further enacted*, That if, in the opinion of the President and Directors of said turnpike road company, it shall be necessary, to facilitate the completion of said road, before the fund, hereby appropriated for the payment of the subscription of stock directed by this act, can be obtained, it shall and may be lawful for them to borrow, from time to time, as it may be required, a sum, or sums, not exceeding the amount of said subscription, at a rate of interest not exceeding six per cent. per annum, and apply the said fund, as it shall come to their hands, to the extinguishment of such loan or loans, and also to apply the dividends, or profits, of the stock of the commonwealth in said turnpike road company, to the payment of the interest on such loans.

Sec. 3. *Be it further enacted*, That when the said turnpike road shall be completed. the said President, Directors and Company, may contract for, purchase and hold, to them and their successors, for ever, any quantity of land not exceeding one-half acre, at the site of each toll gate erected on said road, agreeably to the provisions of the several acts, to which this act is an amendment; and if they cannot agree for such quantity of land, at their respective gates with the owner or owners thereof, they may sue out from the coun-

ty court of the county, in which the land to be appropriated lies, a writ of *ad quod damnum*, directed to the sheriff or other officer, commanding him to summon a jury of inquest, to meet upon the said land on the day fixed by said writ, to assess the reasonable value of the said land, and the damages which shall be occasioned to the owner or owners thereof, by its condemnation to the use of said company; which writ the said sheriff, or other officer, shall proceed immediately to execute agreeably to its commands, giving to the owner or owners of said land, or their agents if any, or their guardian or next of kin, if they be infants, at least three days' notice, in writing, of the time and place of convening the said jury, and return the inquest, so taken by him, to the court of his county: And upon the payment by the said President, Directors and Company, of the value of said land and damages, if any, so assessed, the said land shall become vested in the said company: *Provided, however,* That in the selection and appropriation of land under the provisions of this act, the said President, Directors and Company, shall not include the dwelling houses, out-houses, orchards, or gardens, or any part thereof, of any person, without their consent, nor shall not so locate the said land as to prevent the owner or owners of the adjacent lands from access to said road, on either side of any gate, to which they would have had access if such location had not been made, and provided said appropriation of land shall be confined to one side of said road.

The said amendment is as follows, viz:

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the capital stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company may be four hundred thousand dollars.

Sec. 2. *Be it further enacted,* That the Governor of Kentucky be, and he is hereby, authorised and directed to subscribe for, and on behalf of the commonwealth of Kentucky, the additional number of five hundred shares in the said capital stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company: *Provided,* That the President and Directors of said company shall subscribe, or procure to be subscribed, in the capital stock of said company, seven hundred shares in addition to the stock now subscribed in said company; and the certificate of said President, presented to the Governor, that said seven hundred additional shares have been subscribed in said company, shall be evidence of that fact, and sufficient authority for the Governor to subscribe the aforesaid five hundred shares in said company for, and on behalf, of the commonwealth of Kentucky.

Sec. 3. *Be it further enacted,* That when all, or any of the amount whatever, of the aforesaid seven hundred shares shall be paid into the treasury of said company, the commonwealth of Kentucky shall also pay to the President, or Treasurer, of said com-



pany, a sum in the proportion of fifty dollars for every seventy dollars of the sum paid, as aforesaid, on the said seven hundred shares; and the certificate of the President of said company, presented to the treasurer of the commonwealth of Kentucky, of the amount of said seven hundred shares paid into the treasury of the said company, as aforesaid, shall be evidence of such payment.

Sec. 4. *Be it further enacted*, That said President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, shall have power, and it shall and may be lawful for said President and Directors, to borrow the sum of seventy thousand dollars, or any part thereof, at an interest not exceeding six per cent. per annum, to be applied to the completion of said turnpike road, or to the payment of said seven hundred shares, required by this act to be subscribed on the part of said President and Directors; and, in order to enable said President and Directors to borrow said sum of money, they are hereby authorised and empowered to pledge or mortgage the stock in the said turnpike road now subscribed, and hereafter to be subscribed in said company, for the repayment of said money and the accruing interest thereon: *Provided, however*, That if the sale of the stock in said road, or any part thereof, should be sold under any pledge or mortgage, made by the said President and Directors in virtue of this act, for repayment of money borrowed as aforesaid, the stock of individual or private stockholders in said road shall be first sold, for the repayment of said money, borrowed as aforesaid, under this act.

Sec. 5. *Be it further enacted*, That when the said turnpike road, or any five miles thereof, shall be completed, so that a gate is necessary, the said President and Directors may contract for, receive, purchase and hold, to them and their successors, for them and said company, any quantity of land not exceeding one-half acre at the site of each toll-gate erected on said road; and if they cannot agree for such quantity of land, with the owner thereof, for the purpose aforesaid, they may sue out from the county court of the county, in which such land may lie, a writ of *ad quod damnum*, and proceed thereon in the same manner, and according to the same provisions, directed in the act of incorporation of said company, as to land over which said turnpike road passes; and upon payment of the damages assessed by virtue of such writ, the said land shall be vested in the said President and Directors, and their successors, for the use aforesaid: *Provided*, That the dwelling house, out-house, yard, garden or orchard, or any part thereof, of any person whatever, shall not be condemned to the use of the said President and Directors, by this act; nor shall said half acre of land be so located, as to prevent the access of the owner or occupier of the he adjoining lands from access to said turnpike road.

Mr. Campbell moved to amend the fourth section of said amendment by striking out the *proviso*, and inserting in lieu thereof the

following: "*Provided*, the stock owned by the commonwealth of Kentucky in said company shall not be pledged, or mortgaged, or sold for the purpose of repaying any such loan."

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Murrell and Thornton, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Campbell, Cunningham, Dejarnatt, Dougherty, Gholson, James, Murray, Murrell, W. Owsley, Rodman, Sisk, Wood—15.

NAYS—Messrs. Boyd, Brown, Churchill, Clark, Guthrie, Hardin, Harris, H. Owsley, Parks, Payne, Radd, Stephens, Taylor, Thompson, Thornton, Wingate—16.

The question was then taken on concurring in the said amendment, reported by the committee, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murray and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, Griffith, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rodman, Radd, Sisk, Stephens, Taylor, Thompson, Thornton, Wingate—23.

NAYS—Messrs. Dejarnatt, Dougherty, Gholson, James, Murray, Murrell, Wood—7.

The said bill was then placed in the orders of the day.

Mr. Hardin, from the several committees appointed to prepare and bring in the same, reported the following bills, viz:

A bill for the benefit of Benjamin Tobin;

A bill for the benefit of James Blincoe's heirs; and

A bill for the benefit of the heirs of John Nalle, jun.;

Which were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to establish a road from Louisville to the state line, in a direction to Knoxville, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

And the question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

*Resolved*, That the title of the said bill be as aforesaid.

On the motion of Mr. Fleming, the vote was reconsidered, rejecting a bill to alter and amend the law in relation to the Turnpike and Wilderness road: and the said bill was recommitted to the committee of internal improvements.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Thornton—A bill to authorise the Bourbon county court to levy a tax on the lands of the county; and

By Mr. Payne—A bill for the benefit of Isaac Smith.

Which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the former, and the second reading of the latter bill, having been dispensed with: the latter was committed to the committee of finance.

*Resolved*, That the former bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hardin, the committee to whom was referred a bill to establish an additional election precinct in Woodford county, was discharged from the further consideration thereof.

On the motion of Mr. Beatty, the vote was reconsidered amending the said bill by striking out so much as relates to the county of Woodford: and it was placed in the orders of the day.

Mr. Rodman, from the committee on military affairs, to whom was referred a bill from the House of Representatives, entitled, an act changing the boundary lines of the 72d regiment of Kentucky militia, reported the same with an amendment; and

Mr. Harris, from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties, reported the same with amendments; the said amendments were severally twice read and concurred in.

*Ordered*, That the said bills be read a third time.



The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Harris—1. A bill for the relief of William Cecil, and others.

On the motion of Mr. Boyd—2. A bill to amend an act, entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.

On the motion of Mr. Guthrie—3. A bill to amend the charter of the Shelbyville and Louisville Turnpike Company.

On the motion of Mr. Brown—4. A bill to amend an act incorporating a company to turnpike a road from Frankfort to Lexington, by the way of Versailles, approved January 29th, 1830; and

On the motion of Mr. Rodman—5. A bill to amend the law in relation to pensions.

Messrs. Harris, Hardin and Clark, were appointed a committee to prepare and bring in the first; Messrs. Boyd, Murray and Guthrie, the second; Messrs. Guthrie, Boyd and Hardin, the third; Messrs. Brown, Wingate and Clark, the fourth; and the committee of courts of justice was directed to prepare and bring in the fifth.

On the motion of Mr. Clark, the committee of internal improvements was discharged from the further consideration of the petition of sundry citizens of Gallatin county, praying a change in the state road from Owenton to Ghent, where the said road passes through the lands of Robert Sanders.

Mr. Clark, from the committee of internal improvements, to whom was referred bills from the House of Representatives, entitled, an act to authorise Elias Bazell to build a mill on the Louisa fork of Big Sandy river; and, an act to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county; reported the same with the following resolution thereon, viz:

*Resolved*, That the said bills ought not to pass;

Which was twice read and concurred in; and so the said bills were disagreed to.

Mr. Dougherty, from the committee to whom was referred a bill to amend an act approved December 10th, 1822, for the establishment of a state road from Lexington to Ghent, on the Ohio river, reported the same without amendment.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rudd presented the petition of John Spence, praying compensation for going to the state of Indiana and bringing to trial, in

Washington county, Lindsay Whitten, charged with horse stealing; which was received, and referred to the committee of finance.

The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

AUDITOR'S OFFICE, KENTUCKY,  
Frankfort, January 11, 1833. }

SIR—In obedience to a resolution passed in the Senate on yesterday, requiring information in relation to the balance due from the Treasurer of the town of Columbus, for the sale of lots in said town, the Auditor of Public Accounts would respectfully state—

That on the 10th day of October, 1829, the balance due from the Treasurer of said town, was - - - - \$ 577 80  
On the 16th day of March, 1830, there was an additional charge, for errors committed in the report to this office, of 18 94

Making - - - - - \$ 596 74  
Same date was paid, - - - - - 546 74

Leaving a balance due of - - - - - \$ 50 00

This balance was retained for the purpose of settling outstanding accounts against the Treasurer, for advertising, &c.

On the 14th day of June, 1830, a report was made by the commissioners for the sale of lots, amounting to \$1,802 81  
Deductions for commissions, &c. - - - 378 96  
Amount charged on this date, - - - - \$1,423 85

Making the whole debit, on the 10th day of October, 1830, \$1,473 85  
This balance has continued until the 16th day of October, 1832, (six days after the Auditor's last annual report,) at which time was paid, - - - - 620 00

Leaving a balance due, at this time, of - - - - \$ 853 85

So soon as the last report was made to this office, the Treasurer provided ample means to meet the balance due; but the individual to whom the matter was entrusted, used the funds for his own purposes; and as the balance due was secured to the commonwealth, the Auditor has not taken any legal steps against the Treasurer, inasmuch as he had endeavored to comply with his duty, and the failure was occasioned by the improper conduct of his agent. Respectfully yours,

P. CLAY, Aud. Pub. Accounts.

JAS. T. MOREHEAD, Esq. *Lieut. Governor and Pres't. of the Senate.*

And then the Senate adjourned.

## SATURDAY, JANUARY 12.

The Senate assembled.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

Mr. W. Owsley, from the committee of courts of justice, reported a bill to permit the trustees of Columbus to allow mills and a warehouse to be built in the commons of said town; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with; it was committed to the committee of courts of justice.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Newskirk and wife, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

Mr. Hardin, from the committee of finance, to whom was referred a bill for the benefit of Charles Wallace and Nicholas Hocker, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass;

Which was twice read and concurred in; and so the said bill was rejected.

A message was also received from the House of Representatives, announcing the passage of bills, of the following titles, viz:

An act providing for the election of members of Congress of this state; and

An act prescribing the mode for vacating judgments recovered against, or in favor of, deceased persons.

Mr. Hardin, from the committee of finance, to whom was referred a bill to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements of Shelby county, reported the same with an amendment; and the said bill and amendment were placed in the orders of the day.

Mr. Hardin moved to take up a bill to provide the mode of paying the state's subscription in incorporated companies.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Murray, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Fleming, Gholson, Guthrie, Hardin, Harris, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wingate—22.



NAYS—Messrs. Bibb, Dougherty, Griffith, James, Murray, Murrell, H. Owsley, Rudd, Sisk, Wood—10.

The said bill was amended to read as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That when stock to roads, bridges and rivers, have been, or shall hereafter be, subscribed under the authority of law, by the commonwealth of Kentucky, that if the treasurer cannot pay in the stock, thus subscribed, in gold or silver, or bank paper at par value, by reason of not having such funds, then, and in that event, he is hereby authorised to pay said stock in Commonwealth Bank paper, at the rate of one hundred dollars in paper for *ninety* dollars of stock: *Provided* the directors of said company will accept the paper at the above rate: *Provided*, That if the treasurer can purchase gold or silver, at a less discount than ninety dollars in gold or silver for one hundred in said bank paper, then, and in that case, he is authorised to make such purchase, for the purpose of paying such subscriptions.

Mr. Fleming moved to strike out the word *ninety*, printed in italics, and to insert in lieu thereof *ninety-four*.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Murrell and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Cunningham, Fleming, Gholson, Griffith, Harris, James, Murray, Murrell, Rudd, Sisk, Wood—14.

NAYS—Messrs. Boyd, Brown, Campbell, Churchill, Clark, Dejarnatt, Dougherty, Guthrie, Hardin, H. Owsley, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wingate—18.

*Ordered*, That the said bill be engrossed, and read a third time on Monday next.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Harris—A bill for the relief of William Cecil, and others; and

By Mr. Guthrie—A bill to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

Which were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the former bill having been dispensed with; it was referred to the committee of courts of justice.

Mr. Hardin moved to take up the resolution for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Hardin, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Churchill, Clark, Dejarnatt, Dougherty, Gholson, Griffith, Hardin, Harris, James, Murreli, H. Owsley, Payne, Sisk, Stephens, Thompson, Wood—18.

NAYS—Messrs. Beaseman, Beatty, Boyd, Fleming, Guthrie, Murray, W. Owsley, Parks, Taylor, Thornton, Wingate—11.

The said resolution is as follows, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That when the Senate and House of Representatives adjourn on Saturday the 19TH day of the present month, (January, 1833,) they will adjourn without day.

Mr. Hardin moved to amend the said resolution by striking out 19TH, and inserting in lieu thereof 26TH.

Mr. Fleming called for a division of the question; and the question being taken on striking out 19TH, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and James, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Campbell, Churchill, Clark, Cunningham, Gholson, Griffith, Hardin, Murray, Parks, Payne, Rudd, Sisk, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—20.

NAYS—Messrs. Beaseman, Beatty, Boyd, Dejarnatt, Dougherty, Fleming, Guthrie, Harris, James, Murreli, H. Owsley, W. Owsley—12.

The question was then taken on inserting 26TH, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Brown, Campbell, Churchill, Clark, Cunningham, Dougherty, Gholson, Griffith, Hardin, Murray, Murreli, H. Owsley, W. Owsley, Parks, Payne, Rudd, Sisk, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—25.

NAYS—Messrs. Beatty, Boyd, Dejarnatt, Fleming, Guthrie, Harris, James—7.

The said resolution was then adopted.

Mr. Wingate moved to take up the nomination of Lewis Sanders, jun. as Secretary of State.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wingate and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Brown, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Murreli, Parks, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—19.

NAYS—Messrs. Beatty, Bibb, Clark, Cunningham, Fleming, Gholson, Griffith, Hardin, H. Owsley, W. Owsley, Payne, Taylor, Thornton—13.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Mr. Wingate inform the Governor thereof.

*Ordered*, That the communication received from the Auditor on yesterday, be referred to the committee of finance.

A bill to establish an additional election precinct in Woodford county was taken up.

Mr. Brown moved to amend the said bill, by striking out so much thereof as relates to the county of Woodford.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Brown and Murrell, were as follows, viz:

YEAS—Messrs. Brown, Churchill, H. Owsley, W. Owsley, Taylor, Thompson—6.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Clark, Cunningham, Dejarnatt, Dougherty, Fleming, Gholson, Guthrie, Hardin, Harris, James, Murray, Murrell, Parks, Payne, Rudd, Sisk, Stephens, Thornton, Wood—23.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be, an act to establish election precincts in Woodford, Graves, Whitley and Henderson counties.

On motion, leave of absence from the service of the Senate, was granted to Mr. Rodman, till Monday next.

A bill authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to legalise the appointment of certain constables in Graves county, at their November term, 1832.

2. An act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

3. An act concerning the county of Meade.



4. An act to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington and Frankfort to Ghent.

5. An act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee.

6. An act for the benefit of Flora N. C. Harding.

7. An act for the benefit of Louisa E. Barnes.

8. An act for the benefit of Henry Small.

9. An act for the benefit of Malinda Noe.

10. An act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes.

11. An act appropriating a portion of the vacant lands, in the district of country West of Tennessee river, for the purpose of education, or making certain improvements in said district.

12. An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

13. An act authorising the several county courts of this commonwealth, to permit gates to be erected on certain public roads.

14. An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.

15. An act for the benefit of Vachel Welden, jailor of Bracken county.

16. An act to authorise the county court of Casey, to abolish one or both of the precincts for voting in said county.

17. An act to authorise the appointment of clerks in vacation.

18. An act for the benefit of Fanny Richardson and her children.

19. An act providing for the election of members of Congress of this state.

20. An act prescribing the mode of vacating judgments recovered against, or in favor of, deceased persons.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were severally referred; the first, to a select committee of Messrs. James, Thompson and Churchill; the second, tenth and twelfth, to the committee of internal improvements; the third, fifth, thirteenth, fourteenth, seventeenth, eighteenth, nineteenth and twentieth, to the committee of courts of justice; the fourth, eleventh and fifteenth, to the committee of finance; the sixth, seventh, eighth and ninth, to the committee of religion; and the sixteenth, to a committee of Messrs. Beatty, Fleming and H. Owsley.

Mr. Guthrie presented the remonstrance of Samuel S. Lansdale, against the location of the road mentioned in the second bill.

A bill from the House of Representatives, entitled, an act to change the time of the meeting of the Legislature of Kentucky, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with,

Mr. Hardin moved to amend the same, by striking out the words, "the last day of December, except when said last day may be on Sunday, and then the same shall commence on the day before," being the time fixed in said bill for the annual meeting of the General Assembly, and inserting in lieu thereof "the first Monday in November."

Mr. James called for a division of the question; and the question being taken on striking out the words, as proposed, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. James and Fleming, were as follows, viz:

YEAS—Messrs. Boyd, Clark, Gholson, Hardin, Murray, W. Owsley, Rudd, Wingate, Wood—9.

NAYS—Messrs. Beaseman, Beatty, Bibb, Brown, Campbell, Churchill, Cunningham, Dejarnatt, Dougherty, Fleming, Griffith, Gu hrie, Harris, James, Murrell, H. Owsley, Parks, Payne, Sisk, Stephens, Taylor, Thompson, Thornton—23.

*Ordered*, That the said bill be read a third time.

Bills from the House of Representatives of the following titles, viz:

An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade.

An act defining the limits of the town of Mount Washington, in Bullitt county.

An act for the relief of Abraham Miller, of Hardin county; and

An act to change an election precinct in the county of Daviess.

Were severally read the first time, and ordered to be read a second time.

A bill for the divorce of Mary Richardson was read the second time, and ordered to be engrossed, and read a third time on Monday next.

Bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Barboursville Seminary, in Knox county.

An act for the benefit of St. Joseph's College, at Bardstown.

An act for the regulation of the town of New Market, in Washington county.

An act to establish an election precinct at the great falls of Rough creek, in the county of Breckenridge.

An act to explain the law concerning the Stanford Academy.

An act for the benefit of William Sears.

An act to change the place of voting in the Claysville precinct, in Harrison county, and for other purposes; and

An act to authorise the insertion of advertisements in the "Observer and Reporter," and for other purposes.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the wife and children of William Green, a lunatic, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky, was read the first time, and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of the said bill, for the use of the General Assembly.

A bill to change the time of meeting of the General Assembly, was laid on the table.

A bill from the House of Representatives, entitled, an act for the benefit of Dorcas Worley, was read the first time; and the question being taken on reading the said bill a second time, it was decided in the negative: and so the said bill was disagreed to.

An engrossed bill, entitled, an act limiting the time for which persons may be held to bail for their good behaviour, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

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MONDAY, JANUARY 14.

The Senate assembled.

The Speaker laid before the Senate a communication from the Governor, enclosing the reports of the Louisville and Portland Canal Company, for the years 1831 and 1832.

The said communication and report are as follows, viz:

EXECUTIVE OFFICE,  
January 12, 1833. }

DEAR SIR:—The Report of the Louisville and Portland Canal Company, for the year 1831, having been received at this office since the adjournment of the last session of the Legislature, I send it herewith,



that it may be laid before the Legislature; as also, the Report on the same subject, for the year 1832.

JOHN BREATHTITT.

HON. JAMES T. MOREHEAD, *Lieut. Governor and Speaker of the Senate.*

*Louisville, March 22d, 1832.*

DEAR SIR:—The enclosed Report is required by law to be made to the General Assembly, at the termination of each year; but as the Legislature had adjourned before the first Monday of January, its verification was not then due; and it having been deemed a full compliance with the law to deposit the same in your office, to be presented to the General Assembly at the opening of the next session; I have to request you to receive it, and cause it to be presented as is by law required.

Most respectfully, your obedient servant,

SIMEON S. GOODWIN, *Sec'y.*

*L. & P. Canal Company.*

JOHN F. MACURDY, Esq. *Secretary of State, Frankfort, Ky.*

*Seventh Annual Report of the President and Directors of the Louisville and Portland Canal Company.*

In accordance with their duty, the Board present to the Stockholders a statement of their affairs, and their proceedings for the past year.

With a view of having the means of supplying the alternative of furnishing stock for the additional loans required to complete the Canal, an Act of the Legislature of this State has been passed, authorising the Company to make and dispose of as many additional shares as may be found necessary to pay the loans already made, and the interest accumulated thereon.

An addition has been made to the permanent loan of \$2068 33; so that the Company now owe on permanent loan, the sum of \$132,068 33

On temporary loans they owe - - - - 8,051 61

Unsettled accounts estimated at - - - - 2,750 00

Their assets are { Iron on hand, - \$2,800 00  
 { And claims to be paid the  
 { beginning of the year 1,200 00

*The Treasurer's Account for the year is as follows:*

	<i>Dr</i>
Balance on hand, - . - - -	707 16
Amount of Canal Tolls, - - - - -	12,750 77
Permanent Loans, - - - - -	2,068 33
Temporary Loans, - - - - -	11,509 40
Iron sold and sundry receipts, - - - - -	3,441 11
	\$30,476 77

	<i>Cr.</i>
Paid Interest, - - - - -	6,213 91
" On temporary loans, - - - - -	9,660 00
" Completion of contracts and work on the Canal,	3,444 90
" Expenses of repairs and alterations, -	4,960 00
" Expenses of superintendence and labor on locks,	5,026 36
" Incidental expenses of legal costs, office rent, printers, salaries, &c.	1,729 92
" Balance on hand, - - - - -	101 68
	<hr/>
	\$30,476 77

In the last annual report it was announced to the Stockholders, that the Canal was open for navigation and completed. Had it not have been for a quantity of mud deposited in the lower lock, and in front of the same, which the Engineer confidently believed would be washed away by the current passing over it, three times as many boats would have passed the Canal. Every effort was made, within the means of the Board, to remove this obstruction; but all attempts proved unavailing, so long as the Ohio River remained high, which was the case during the whole year, until the last of October, when they commenced the excavation of the mud; and from its being below the surface of the Ohio, and much obstructed with stones and timber, it was found to be a difficult and arduous undertaking; and when but partially done, was overflowed by a sudden rise in the river. By constant exertions since, the lock has been relieved, and a channel opened in front, four feet below the surface of the water, which depth, by the means now made use of, it is expected, can at all times be maintained in the lowest stages of water.

To expedite the completion of the Canal in 1830, the contractors were permitted to place the stone produced by the excavation of the rock on the berm of the Canal, resting in the rear on the slope wall. This, at the time, was thought to be an economical arrangement, as the stone could rest there without obstructing the Canal, and could, as they should be wanted, be disposed of, and afford no inconsiderable revenue to the Company; but it was found that many of the piles gave way from the action of the frost during the last winter, and precipitated the stones into the Canal, causing much obstruction to the passage of large boats. So far as the season would permit, the obstruction from this source has been removed, together with some parts of the most dangerous piles; but the long continued high water, and the limited resources of the Company, have prevented the Board from removing those loose stones from the inner bank of the Canal, which must be done to render the navigation as safe and easy as it is capable of being made.

Some difficulties were found to exist at the upper end of the Canal after the breaking up of the river in the spring. A sluice that had been left open in the upper embankment caused such a draught into the mouth of the canal, as to draw in large quantities of drift-wood, which for some days blocked up the entrance to the Canal; and, when the removal of the drift was effected, the current set off so violently, that the ingress and egress became very difficult; and by causing the delay of several

boats, prevented vast numbers from using the Canal. To remedy this difficulty, it became necessary to extend the outer embankment about four hundred feet above the point of its original termination. This has been effected by loading stones, and throwing them on in a rough manner; and in a season of low water will require to be finished in a more substantial and workmanlike manner. The entrance has likewise been widened about twenty feet. It is now found that the difficulties at first experienced in this part of the work are entirely removed.

From the imperfections above recited, and others of minor importance incident to a new work, there has been found but 104 days within the last 13 months, when boats drawing more than three feet water could pass out or into the lower lock of the Canal; and but 183 when any boats could pass, adding, however, the few days when boats could ascend the falls independent of the Canal. In that time 827 boats, whose tonnage amounted to 76,323 tons, passed through the Canal, namely, 406 steam boats, 48 keel boats, 357 flat boats, and 16 rafts.

From the number of arrivals and departures of boats above and below the falls, it may reasonably be estimated that, since the obstructions have been removed, the number of boats that will pass the Canal in each year will be quadruple that of the past; and that, instead of 76,323 tons, upwards of 300,000 tons will pass the Canal annually hereafter.

The greatly increased cost of the Canal and delay in its completion beyond the sum and time originally contemplated, will require a proportional advance on the tolls named in the act of incorporation; as it is found that these rates will give no adequate income on the large cost of the work. By the tolls named in the Act, great inequality exists. The Board would therefore recommend to the Stockholders, that the tolls be changed so as to bear more equally on all boats; and that an addition be made to the tolls on each class of boats. By the adoption of this measure, with the increased number of boats that may be expected to pass the Canal, now the obstructions are removed, a reasonable dividend on the stock may be expected the present year, unless the Company should decide to make large appropriations for the further perfection of the Canal.

By order of the Board,

JAMES M<sup>Y</sup>. CUDDY, *President.*

*Office of the L. & P. Canal  
Company, January, 2, 1832.*

At a meeting of the Stockholders of the Louisville and Portland Canal Company, at their Office in the City of Louisville, Ky. January 2, 1832, the Report of the President and Directors was received and ordered to be printed.

The following persons were then elected President and Directors for the present year.

JAMES M<sup>Y</sup>. CUDDY, *PRESIDENT.*

*DIRECTORS—James Ronaldson, William Fitch, Simeon S. Goodwin, Peter Hulme.*

JOHN C. BUCKLIN, *Chairman.*

[Extract from the Minutes.]

S. S. GOODWIN, *Secretary.*



IN conformity with the eleventh section of the Act, incorporating the Louisville and Portland Canal Company, the undersigned, being a majority of the board of President and Directors of said Company, do solemnly, sincerely and truly swear, that from the accounts kept of the expenses of the construction of said Canal, that there have been expended up to this day the sum of \$142,869 94 cents: And that during the past year there has been received for tolls, at the rates named in said Act, the sum of \$12,750 77 cents; which amount has been expended on the work and included in the above sum, and that no dividends have been made to the Stockholders.

JAS. M<sup>G</sup>. CUDDY, *President*.

WILLIAM FITCH,  
SIMEON S. GOODWIN, } *Directors*.

Office of the L. & P. Canal }  
Company, January 2, 1832. }

COMMONWEALTH OF KENTUCKY, }  
City of Louisville. } SS.

BE it known, that on this sixteenth day of March, in the year eighteen hundred and thirty-two, before me, John C. Bucklin, Mayor of said city, personally came James M<sup>G</sup>. Cuddy, President, William Fitch and Simeon S. Goodwin, Directors of the Louisville and Portland Canal Company, and made solemn oath to the foregoing declaration signed by them before me.

In testimony whereof, I hereunto set my hand and affix the seal of said city of Louisville. JNO. C. BUCKLIN, *Mayor*.

*Eighth Annual Report of the President and Directors of the Louisville and Portland Canal Company.*

IN compliance with their duty, the Board present to the Stockholders a statement of the affairs of the Company for the past year.

The undertakings of the Company, are for the loans of

1830 and 1831,	- - - - -	\$132,038 33
To which has been added in 1832, on the same terms,		12,000 00

Making the funded debt of the Company,	- - -	\$144,038 33
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And there is due on temporary loan \$3,000; notes to Car-

ney, Sayre & Co. \$2,883; and on unsettled accounts

\$3,750—making the floating debts of the Company,		\$2,633 00
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The Company have on hand iron and claims uncollected,

amounting to - - - - -		\$3,000 00
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*The General Account of the Company for the year is as follows:*

*Dr.*

Balance in the Treasury by last account	- - -	101 68
Received for Canal Tolls in 1832	- - -	25,756 12

" on loan \$12,000, and a balance of the former loan		
in the hands of Commissioners in Philadelphia \$500		12,500 00

" on temporary loans	- - -	5,500 00
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" for stone sold, and incidental receipts	- - -	1,655 18
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		\$45,512 98
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	Cr.
Paid interest - - - - -	8,193 48
" temporary loans - - - - -	10,551 61
" Carney, Sayre & Co. on award - - -	3,554 55
" completion of Canal on contracts, &c. - -	1,721 51
" repairs and improvements - - - - -	12,498 91
" superintendence and labour on Locks, - -	2,795 29
" incidental expenses - - - - -	2,070 94
" balance in the hands of the commiss'ners in Philadelphia	1,500 00
" balance in the Treasury - - - - -	2,626 69
	<hr/>
	\$45,512 98

The expenditures for the year have been more than was anticipated, as much has been done to make the Canal more perfect, and the board are happy to inform the Stockholders, that this extra expense has already been returned to the Company in the increased amount of tolls.

The last winter and spring are without a parallel in the history of the western country—the winter set in early, the navigation was closed by ice for an unusual period, which was followed by repeated floods, one of which almost exceeds description. It swept over the banks of the Canal, (although raised two feet above any flood of which there was any tradition) carrying into the Canal immense quantities of mud, drift-wood, houses, &c. to remove which has greatly increased the expenses, and diminished the amount of receipts.

It was found necessary to shut off the water from the whole line of the Canal, that every obstruction might be removed, and every necessary repair made. No exertions have been spared in removing every impediment. The gates, mitre sills, and machinery of the locks have been thoroughly repaired, and much new machinery has been added or substituted for that which was found imperfectly constructed. The extension of the upper and northern embankment in the form of a heavy wall, has been in progress, and will be completed as soon as practicable. It facilitates the passage of boats with safety, and when completed will be a barrier to the entrance of drift-wood. It is believed that a dredging machine, which they are about procuring, will, at a small expense, effectually remove the mud deposited by floods at both ends of the Canal, and thus keep up an uninterrupted navigation.

Since the Canal has been repaired and re-opened for navigation, the receipts of toll have been about \$1000 per week, and at a time when the river was low, so that small steam boats and flats only could navigate it. The present condition and prospects of the Canal are more flattering than at any former period, and in the opinion of the board, the time is not distant when the stock will yield a fair dividend, which will be progressively increasing, as the commerce of the Ohio has quadrupled since the Canal was commenced. The resources of this immense country are constantly developing new sources of internal trade, which are annually assuming more importance. This Canal affords the only safe method of passing the falls of Ohio, and it must be used. They are

confident that the receipts from tolls this year will be sufficient to warrant a dividend.

By order of the Board,

WILLIAM FITCH, PRESIDENT.

*Office of the L. & P. Canal }  
Company, January 7, 1833. }*

At a meeting of the Stockholders of the Louisville and Portland Canal Company, at their Office in the city of Louisville, Ky. January 7, 1833, the Report of the President and Directors was received and ordered to be printed.

The following persons were then elected President and Directors for the present year.

WILLIAM FITCH, PRESIDENT.

DIRECTORS—*Simeon S. Goodwin, John Hulme, John Hewitt, Elihu Chauncey.*

JOHN HEWITT, *Chairman.*

[Extract from the Minutes.]

S. S. GOODWIN, *Secretary.*

Mr. Clark, from the committee of internal improvements, to whom was referred a bill to alter and amend the law in relation to the Turnpike and Wilderness road, reported the same without amendment.

*Ordered,* That the said bill be engrossed, and read a third time to-morrow.

A message was received from the House of Representatives, announcing the concurrence of that house in the preamble and resolutions relative to the public lands, the Bank of the United States, and the deposits of the Treasury.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to connect the towns of Newport and Covington with Cincinnati, by a bridge, reported the same with amendments; which were twice read and concurred in: and the said bill was recommitted to the same committee.

Mr. Beatty, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the county court of Casey to abolish one or both the precincts for voting in said county, reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the county court of Casey to abolish one or both of the precincts for voting in said county: *Provided, however,* That two-thirds of all the justices of the peace in said county be present, and concur in the proposed abolition.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.



The yeas and nays being required thereon, by Messrs. Beatty and Murray, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Brown, Cunningham, Fleming, Harris, H. Owsley, Payne, Rudd, Stephens, Thompson—11.

NAYS—Messrs. Beaseman, Boye, Campbell, Churchill, Clark, Dejar-natt, Dougherty, Gholson, Griffith, Guthrie, Hardin, Murray, Marrell, W. Owsley, Parks, Sisk, Taylor, Thornton, Wingate, Wood—21.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clark—1. A bill to amend an act, entitled, an act to incorporate the city of Lexington.

On the motion of Mr. Harris—2. A bill for the benefit of the clerk of Perry county.

On the motion of Mr. Dougherty—3. A bill to provide pay for grand jurors, and for other purposes.

On the motion of Mr. Guthrie—4. A bill to establish a Medical Institute in the city of Louisville; and

On the motion of Mr. Rudd—5. A bill to appoint trustees to the Washington Academy.

Messrs. Clark, Wickliffe and Thornton, were appointed a committee to prepare and bring in the first; Messrs. Harris, George and Campbell, the second; Messrs. Dougherty, Stephens and Harris, the third; Messrs. Guthrie, Thompson and Rudd, the fourth; and Messrs. Rudd, Thompson and Hardin, the fifth.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Clark—A bill to amend an act, entitled, an act to incorporate the city of Lexington; and

By Mr. Bibb—A bill to remove the obstructions to navigation at the falls of Green river, and for other purposes;

Which were each read the first time, and ordered to be read a second time

The rule of the Senate, constitutional provision, and second and third readings of the former, and the second reading of the latter bill, having been dispensed with: the latter was referred to the committee of finance; and the former being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to authorise the appointment of clerks in vacation reported the same with an amendment; which was twice read and concurred in; and the said bill was referred to a committee of Messrs. Hardin, Guthrie and W. Owsley.

On the motion of Mr. Stephens, the votes were reconsidered, passing and ordering to a third reading, a bill from the House of Representatives, entitled, an act to change the place of voting in the Claysville precinct, in Harrison county, and for other purposes.

The said bill was then amended, and ordered to be again read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The message, in writing, received from the Governor on the 11th instant, was then taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Armistead H. Churchill, to be commissioned Circuit Judge, in the place of the Hon. Thomas T. Crittenden, deceased.

JOHN BREATHITT.

And the question being taken on advising and consenting to the said appointment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Murray, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate—15.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wood—18.

*Ordered*, That Mr. Wingate inform the Governor thereof.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Harris in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Harris reported that the committee had, according to order, had under consideration, a bill to amend the law prohibiting the importation of slaves into this state, and had gone through the same, and made amendments thereto, which he handed in at the clerk's table; and the said amendments were twice read and concurred in.

Mr. Hardin moved to amend the said bill, by inserting the following as the second section, viz:

*Be it further enacted*, In order that this act shall not be construed to extend to any person or persons who are residents of this state, and who derives a title to such slave or slaves, by will, descent, distribution, or marriage gift, in consideration of marriage.

Mr. W. Owsley moved to amend the said amendment, by substituting therefor the following, viz:

Nor shall any thing herein contained authorise a recovery of the penalty aforesaid, against any person, for, or on account of, his or her having imported into this state any slave or slaves, to which he or she may, whilst a resident of this state, have acquired title by descent, marriage, or devise.

The question being taken on adopting the said amendment, proposed by Mr. W. Owsley, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Parks, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Guthrie, Murray, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wingate—11.

NAYS—Messrs. Beaseman, Beatty, Boyd, Clark, Cunningham, Dejar-natt, Dougherty, Fleming, Gholson, Griffith, Hardin, Harris, James, Murrell, Parks, Rudd, Stephens, Wood—18.

The amendment proposed by Mr. Hardin was then adopted.

The question was then taken on engrossing the said bill, and reading it a third time to-morrow, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and W. Owsley, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Brown, Campbell, Clark, De-jarnatt, Dougherty, Fleming, Gholson, Griffith, Guthrie, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—24.

NAYS—Messrs. Boyd, Cunningham, George, Hardin, Harris, James, Rudd—7.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to change the names of Claiborne Brewer and Mary Felicia McMann.

An act to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.

An act to authorise the county court of Scott county to increase the allowance to patrols of said county.

An act to change the time of holding the November term of the Casey circuit court.

An act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to authorise the county court of Hardin county to purchase one hundred additional acres of land, for the poor-house established in said county.

An act to enlarge the limits of the town of Elkton, in the county of Todd.

An act to regulate the town of Simpsonville, in Shelby county.

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act for the benefit of Spencer Boyd, and others, of Bath county.



An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county; and

An act to add a part of Oldham county to the county of Shelby; and also,

A preamble and resolutions relative to the public lands, the Bank of the United States, and the deposits of the Treasury.

And had found the same truly enrolled; and that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

Engrossed bills of the following titles, viz: An act for the benefit and relief of Eleanor Jewell; and, an act for the divorce of Mary Richardson; were each read the third time.

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Thomas Newskirk and wife; and

An act to change the time of the meeting of the Legislature of Kentucky;

Were each read the third time.

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to provide the mode of paying the state's subscription in incorporated companies, was read the third time.

Mr. Rudd moved to recommit the said bill; and the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rudd and Thornton, were as follows, viz:

YEAS—Messrs. Beatty, Dejarnatt, Dougherty, Gholson, James, Murray, Murrell, Rudd, Sisk, Wood—10.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Campbell, Clark, Cunningham, Fleming, George, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wingate—21.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rudd and Parks, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Campbell, Clark, Fleming, George, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wingater—19.

NAYS—Messrs. Beaseman, Bibb, Cunningham, Dejarnatt, Dougherty, Gholson, James, Murray, Murrell, Rudd, Sisk, Wood—12.

*Resolved*, That the title of the said bill be as aforesaid.

The amendments reported from the committee of finance, to a bill to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements for Shelby county, were concurred in; and the said bill was recommended to the committee of finance.

A bill to amend the charter of the Shelbyville and Louisville Turnpike Company, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

2. An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.

3. An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade; and

4. An act to establish the Louisville Bank of Kentucky.

Were severally read the second time; the first was referred to the committee of courts of justice; the fourth was referred to the committee of the whole house, on the state of the commonwealth, for Wednesday next; and the second and third were ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the second and third bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives: entitled, an act to change an election precinct in the county of Daviess; and, an act for the relief of Abraham Miller, of Hardin county; were each read the second time, and ordered to be read a third time.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie—1. A bill to establish a Medical Institute in the city of Louisville.

By Mr. Rudd—2. A bill to appoint trustees to the Washington Academy; and

By Mr. Harris—3. A bill for the benefit of the clerk of Perry county.

Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the second and third bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Clark,

*Resolved*, That the committee of finance enquire into the expediency of amending the law disposing of the public fines in this state.

On the motion of Mr. Beatty, leave was given to bring in a bill to regulate the mode of paying debts to the Bank of the Commonwealth by its debtors; and Messrs. Beatty, James and Bibb, were appointed a committee to prepare and bring in the same.

The resolutions read and laid on the table, by Mr. Beatty, on the 20th ultimo, were taken up.

On the motion of Mr. Beaseman, the first resolution was amended by inserting Main Licking river; when

Mr. Dougherty moved to lay the said resolutions on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required, by Messrs. Beatty and Dougherty, were as follows, viz:

YEAS—Messrs. Dejarnatt, Dougherty, Griffith, Guthrie, James, Murray, Parks, Rudd, Sisk, Wood—10.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Clark, Cunningham, Gholson, Hardin, Harris, Murrell, H. Owsley, W. Owsley, Payne, Stephens, Thornton, Wingate—16.

On the motion of Mr. Harris, the first resolution was amended by inserting Big Sandy river, from its mouth up to Pikeville.

On the motion of Mr. Murrell, the said resolution was further amended, by inserting Green and Big Barren rivers.

The said resolutions were then committed to the committee on internal improvements.

And then the Senate adjourned.

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## TUESDAY, JANUARY 15.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 9th instant, approve and sign enrolled bills, which originated in this house, of the following titles, viz:



An act for the benefit of John Smith and Bartlett Hill.

An act for the benefit of William R. McFerrin, and others.

And on the 11th instant, bills which originated in the same, of the following titles, viz:

An act for the benefit of Benjamin Robison; and

An act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county;

And that they had passed bills of the following titles, viz:

An act declaring John's creek, in Floyd and Pike counties, a navigable stream.

An act to provide for laying the levy in certain counties, and for other purposes.

An act to establish an election precinct in the county of Henry;

And "an act for the benefit of the late sheriff of Grant county and his securities."

Mr. Parks presented the petition of Oliver H. Stout and others, praying that a law may pass authorising the trustees of the town of Carlisle to convey to the said Stout a part of a street therein; and also the petition of Lewis H. Arnold, counter thereto; which were received, and referred to the committee of propositions and grievances.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Henry Crist; and

An act to authorise the sale of the real estate of William Brown, a lunatic, for his maintenance,

Reported the same with the following resolution thereon, viz:

*Resolved*, That the said bills ought not to pass;

Which was twice read and concurred in; and so the said bills were disagreed to.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning the county of Meade, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

On the motion of Mr. Churchill, the said bill and resolution were laid on the table.

Mr. W. Owsley, from the same committee, to whom was referred the petition of Thomas Anderson, reported the following resolution thereon, viz:

*Resolved*, That the said petition *be rejected*; which was twice read and concurred in.

Mr. W. Owsley, from the same committee, to whom was referred a bill for the releif of William Cecil and others; and a bill to permit the trustees of Columbus to allow mills and a warehouse to be built in the commons of said town: reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bills be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the title of the latter be as aforesaid, and that of the former be, an act for the relief of William Cecil and Benedict Morehead.

Mr. W. Owsley, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

An act authorising the several county courts of this commonwealth to permit gates to be erected on certain public roads; and

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs,

Reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill making certain promissory notes negotiable after the nature of bills of exchange, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

Which was twice read and concurred in; and so the said bill was rejected.

Mr. Guthrie, from the same committee, to whom was referred a bill to incorporate the Louisville Hotel Company, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Polly Rains, reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That Polly Rains, late Polly Younger, of the county of Grant, be, and she is hereby, divorced from her husband, David

Rains, and restored to all the rights and privileges of a *feme sole*, and her parental name of Polly Younger.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Dejernatt, Dougherty, James, Rodman, Sisk—6.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rudd, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—28.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county, reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dejernatt and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Clark, Cunningham, Dejernatt, Fleming, George, Harris, James, Marray, H. Owsley, W. Owsley, Parks, Rodman, Rudd, Sisk, Stephens, Thompson, Wingate, Wood—22.

NAYS—Messrs. Bibb, Campbell, Churchill, Dougherty, Gholson, Griffith, Guthrie, Hardin, Murrell, Payne, Taylor—11.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Small, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass;

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Louisa E. Barnes, reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract, existing between Louisa E. Barnes with her husband David Barnes, be, and the same is, hereby dissolved.



And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Hardin and H. Owsley, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Fleming, Harris, James, Murray, H. Owsley, W. Owsley, Parks, Rodman, Sisk—11.

NAYS—Messrs. Bibb, Boyd, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Griffith, Guthrie, Hardin, Murrell, Payne, Radd, Stephens, Taylor, Thompson, Thornton, Wood—22.

Mr. Hardin, from the committee of finance, made the following report, viz:

The committee of finance has had the situation of the Bank of the Commonwealth under consideration, and report:

The whole of the available funds of the Bank stand thus:

Notes under discount,	-	-	-	-	\$526,114 62
Notes in suit,	-	-	-	-	158,214 09
Real estate,	-	-	-	-	48,180 45
Specie and U. S. paper on hand	\$1,032	57,	equal to		1,145 57

Total,	\$733,654 73
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This sum is subject to the following deductions:

Paper of the Bank in circulation,	-	-	\$132,552 81
Due to the Bank of Kentucky, in specie, \$12,500, equal in paper to	-	-	13,634 00
The checks of the Treasurer now out on the Bank, for specie, on account of stock subscribed to Roads, \$21,-015, equal in paper to	-	-	22,925 00
Due to individual depositors,	-	-	9,108 11
Estimated loss on debts and real estate,	-	-	210,459 68

\$388,679 60
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Of the paper out, the following sum may be supposed lost, which is to be deducted,

-	-	-	30,000 00
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\$358,679 60
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#### RECAPITULATION.

Funds of the Bank,	-	-	-	-	\$733,654 73
Debts of the Bank, and loss on debts and real estate,					358,679 60
The real value of our interest in the Bank,	-	-			\$374,975 15

In this estimate the Committee has not estimated the debts due the Bank from private individuals, except the notes under discount, notes in suit, and real estate, because the other debts are of too doubtful a

character to be considered of any probable value; nor has the debt due from the Treasurer to the Bank been estimated, as that debt is intended not to be paid. They are induced to believe that the receipts from the public lands, if that fund is taken care of, will be equal to the paper out; if so, then the paper out ought not to be deducted, which would make the available interest of the State in the Bank equal to \$477,487 23.

The school fund will not add to the above sum, because that forms a part of the notes under discount and in suit.

*Ordered*, That the public printer print one hundred and fifty copies of the said report for the use of the General Assembly.

Mr. Clark, from the committee of internal improvements, to whom was referred bills from the House of Representatives, of the following titles, viz:

1. An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.

2. An act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes; and

3. An act to connect the towns of Newport and Covington with Cincinnati, by a bridge.

Reported the same without amendment; the third bill was committed to the committee of the whole house, on the state of the commonwealth, for Thursday next; and the first and second were ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the first bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the appointment of clerks in vacation, reported the same with an amendment; which was twice read, amended and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That said bill, as amended, do pass, and that the title be amended by adding thereto, "and for other purposes."

On the motion of Mr. Hardin, the votes passing the said bill, ordering it to a third reading, and concurring in the said amendment, were reconsidered; and it was referred to a committee of Messrs. Hardin, Boyd and Guthrie.

Mr. Beatty, from the committee appointed for that purpose, reported a bill to regulate the mode of paying debts to the Bank of the Commonwealth by its debtors; which was read the first time.

An the question being taken on reading the same a second time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Murray, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb Boyd, Campbell, Churchill, Clark, Cunningham, Dougherty, George, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Rudd, Sisk, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—31.

NAYS—Messrs. Dejarnatt, Fleming, Wickliffe—3.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

A bill to provide for the commuting of petit larceny, and for other purposes, was read the second time, as follows, viz:

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That in all cases where the cities or counties shall have erected, or shall hereafter erect, work houses, for the confinement of persons to labor, it shall and may be lawful for the circuit court presiding in such cities or counties, before whom any person shall be convicted of petit larceny, or other offence, the punishment of which is not death, or confinement in the penitentiary, to commute the punishment of whipping or other odious punishment, to confinement in the work-house of the city or county, at hard labor, for any period of time not less than one nor more than twelve months, at the expense of the city or county wherein the offence shall have been committed; and if any such convict shall escape from such confinement, on apprehension it shall and may be lawful for such court, on his conviction of the escape, to award judgment against such person to serve in the work-house double the time originally awarded, and not less than that time, and cause such person to be remanded.

Sec. 2. *Be it further enacted,* That when any person or persons shall be convicted in any of the cities or counties of this commonwealth, of vagrancy, and there shall be a work-house in the city or county where the person shall be convicted, the court shall, instead of ordering such vagrant to be sold, order him to be confined in the work-house at hard labor, at the expense of the city or county where such vagrant shall be apprehended, for a period of time not less than six nor more than twelve months.

Sec. 3. *Be it further enacted,* That when any person or persons shall be convicted of a breach of any of the penal laws of this commonwealth, or of any misdemeanor, the punishment of which is fine, the court or justice may, in its discretion, commute the fine to confinement in the work-house at hard labor, at the expense of the city or county where the offence shall have been committed: *Provided,* that on the payment of the fine and costs of prosecution, all such persons shall be discharged.



Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wickliffe, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Brown, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Griffith, Hardin, Harris, James, Murray, Murrell, Rudd, Sisk, Stephens, Taylor, Thornton, Wingate, Wood—24.

NAYS—Messrs. Beatty, Boyd, Guthrie, H. Owsley, W. Owsley, Parks, Payne, Thompson, Wickliffe—9.

A bill to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company, was read the second time: and committed to the committee of finance.

An engrossed bill, entitled, an act to alter and amend the law in relation to the Turnpike and Wilderness road, was read a third time, as it appears on the Journal of the 10th instant.

And the question being taken on the passage of the said bill, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. George and Gholson, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Clark, Cunningham, Fleming, Guthrie, Harris, James, Murrell, H. Owsley, W. Owsley, Payne, Thornton—14.

NAYS—Messrs. Beaseman, Brown, Campbell, Churchill, Dejarnatt, Dougherty, George, Gholson, Griffith, Hardin, Murray, Parks, Rodman, Sisk, Stephens, Taylor, Thompson, Wingate, Wood—19.

An engrossed bill, entitled, an act to amend the law prohibiting the importation of slaves into this state, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and W. Owsley, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Brown, Campbell, Churchill, Clark, Dejarnatt, Gholson, Griffith, Guthrie, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—23.

NAYS—Messrs. Beaseman, Boyd, Cunningham, Dougherty, Fleming, George, Hardin, Harris, James, Rudd, Sisk, Wood—12.

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to establish a tobacco inspection at Paintsville, in Floyd county, was taken up, and referred to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act to change an election precinct in the county of Daviess, was read the third time, and referred to the committee of propositions and grievances.

A bill from the House of Representatives, entitled, an act for the relief of Abraham Miller, of Hardin county, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to establish a Medical Institute in the city of Louisville, was read the second time, and referred to the committee of courts of justice.

Bills from the House of Representatives of the following titles, viz:

1. An act to provide for the laying of the levy in certain counties, and for other purposes.

2. An act to establish an election precinct in the county of Henry.

3. An act for the benefit of the late sheriff of Grant county and his securities; and

4. An act declaring John's creek, in Floyd and Pike counties, a navigable stream.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, third and fourth bills, having been dispensed with, they were referred: the first and third to the committee of finance, and the fourth to the committee of internal improvements.

And then the Senate adjourned.

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### WEDNESDAY, JANUARY 16.

The Senate assembled.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to amend the law of evidence in prosecutions for forgery.

An act for the benefit of the wife and children of William Green, a lunatic.

An act for the benefit of the Barbourville Seminary, in Knox county.

An act for the benefit of St. Joseph's College, at Bardstown.

An act for the regulation of the town of New Market, in Washington county.

An act to establish an election precinct at the great falls of Rough, in the county of Breckenridge.

An act to explain the law concerning the Stanford Academy.

An act to authorise the insertion of advertisements in the "Observer and Reporter," and for other purposes.

An act for the benefit of William Sears; and

A joint resolution for appointing committees to examine the public offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky;

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

The Speaker laid before the Senate the following report, viz:

ANNUAL REPORT of the Shelbyville and Louisville Turnpike Road Company, to the honorable the Legislature of the State of Kentucky, shewing the amount of cash in the Treasury on the 1st of October, 1831, the amount received on account of tolls for one year ending on the 1st of October, 1832, and the balance of cash on that day, after charging with expenses for extending and repairing the road for same time: all of which is most respectfully submitted:

This amount in the Treasury on the 1st of October, 1831,	\$	619	34
Amount received at the first gate, from 1st October, 1831,	}	3,192	79
to 1st of October, 1832,			
Amount received at second gate, for same time,	-	-	1,946 00
" " third " " " - -	-	-	1,460 22
" " fourth " " " - -	-	-	1,391 75
" " on "stated toll account," " -	-	-	1,593 75
			<u>\$10,203 85</u>

By this amount paid to President's orders, for extending	}	9,111	11
and repairing road, from 1st of October, 1831, to 1st of			
October, 1832,	-	-	1,092 74
" balance in the Treasury on 1st October, 1832,	-	-	1,092 74
			<u>\$10,203 85.</u>

I, George C. Gwathmey, Treasurer of the Shelbyville and Louisville Turnpike Road Company, do certify that the foregoing report is correct, as the books of the company will shew.

Given under my hand, January 14th, 1833,

GEO. C. GWATHMEY, *Treasurer.*



Mr. James presented the petition of sundry citizens of Hardin county, in favor of the establishment of a local bank at Louisville: which was received.

Mr. Clark moved to refer the said petition to the committee of the whole house, on the state of the commonwealth, to whom was referred the bill on that subject.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and James, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Campbell, Clark, Cunningham, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, W. Owsley, Payne, Rodman, Sisk, Stephens, Thompson, Thornton, Wingate—24.

NAYS—Messrs. Boyd, Brown, Fleming, George, Parks, Taylor, Wood—7.

Mr. Wingate presented the petition of sundry citizens of Owen county; Mr. Rodman presented the petition of sundry citizens of Oldham county; and Mr. Thornton presented the petition of sundry citizens of Bourbon county; praying for the establishment of a local bank at Louisville.

The said petitions were received and referred to the committee of the whole house, on the state of the commonwealth.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to establish a tobacco inspection at Paintsville, in Floyd county, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought not to pass.

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. W. Owsley, from the same committee, to whom was referred bills from the House of Representatives, entitled, an act prescribing a mode for vacating judgments recovered against, or in favor of, deceased persons; and, an act to authorise the sale of a street in Russellville; reported the same without amendment.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Daniel M. Kittinger, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, reported the following resolutions, viz:

*Resolved*, That it would be inexpedient, at the present session of the Legislature, to pass any law by which the present keeper of the Penitentiary would be discharged from the management of that institution under his contract with the state.

*Resolved, also*, That before any law is passed, by which the contract with the said keeper is terminated, a settlement of his accounts, as keeper, ought to be had through the instrumentality of commissioners appointed by the Legislature.

*Resolved further*, That the committee of courts of justice be instructed to prepare and report a bill, providing for the appointment of commissioners to settle with the keeper, and report to the next session of the Legislature.

Which were twice read and concurred in.

Mr. Wood, from the committee of religion, reported a bill for the divorce of Matilda Buckner; which was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was rejected.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to provide for laying the levy in certain counties, and for other purposes, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the first bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill to regulate the mode of paying debts to the Bank of the Commonwealth by its debtors, reported the same with a recommendation that it ought not to pass.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the debtors to the Commonwealth's Bank be, and they are hereby, allowed to pay any balance which they may be owing to said Bank in gold or silver coin, or in any of the bank paper of the United States at its specie value, at the rate of ninety cents to the dollar in said paper.

The question being taken on engrossing the said bill, and reading it a third time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Beatty, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Dougherty, Griffith, Harris, James, Rodman, Sisk, Wood—9.

NAYS—Messrs. Boyd, Brown, Campbell, Clark, Conner, Cunningham, Dejarnatt, Fleming, George, Gholson, Guthrie, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rudd, Stephens, Taylor, Thompson, Thornton, Wingate—24.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Vachel Welden, jailor of Bracken county, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company, reported the same with an amendment; which was twice read and concurred in.

The question being taken on engrossing the said bill, and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rudd and Beatty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Clark, Conner, Fleming, George, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—23.

NAYS—Messrs. Beaseman, Cunningham, Dejarnatt, Dougherty, Gholson, Griffith, James, Murray, Murrell, Rudd, Sisk, Wood—12.

Mr. Hardin, from the same committee, to whom was referred a bill to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements for Shelby county, reported the same with an amendment; which was twice read and concurred in.

And the question being taken on engrossing the said bill, and reading it a third to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murray and Boyd, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Clark, Conner, Cunningham, Dejarnatt, Fleming, George, Griffith, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—26.



NAYS—Messrs. Beaseman, Dougherty, Gholson, James, Murray, Murrell, Rudd, Sisk, Wood—9.

Mr. Hardin, from the same committee to whom was referred bills of the following titles, viz:

A bill to remove the obstructions to navigation at the falls of Green river, and for other purposes; and

A bill to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks;

Reported the same without amendment, and without the committee expressing any opinion thereon.

The former bill was committed to the committee of the whole house, on the state of the commonwealth, for to-morrow.

And the question being taken on engrossing the latter bill, and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Dejarnat, Fleming, George, Griffith, Guthrie, Hardin, Harris, James, H. Owsley, W. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—26.

NAYS—Messrs. Dougherty, Gholson, Murray, Sisk, Wood—5.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. James in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. James reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky: and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table. The said amendments were severally twice read and concurred in.

One of the said amendments proposed to add to the bill the following section, viz:

*Be it further enacted*, That no person shall be eligible as President or Director in said Bank, who does not own twenty-five shares of the stock in his own right.

The yeas and nays being required on concurring in the said amendment, by Messrs. Fleming and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Clark, George, Gholson, Griffith, Guthrie, James, Murray, W. Owsley, Parks, Rodman, Rudd, Sisk, Stephens, Taylor, Thompson, Wingate, Wood—22.

NAYS—Messrs. Conner, Cunningham, Dejarnatt, Dougherty, Fleming, Hardin, Harris, Marrell, Payne, Thornton—10.

The said bill was further amended.

And then the Senate adjourned.

## THURSDAY, JANUARY 17.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act for the benefit of Ezekiel Taylor and Alcie Taylor, his wife.

An act for the benefit of John Barnes, a lunatic.

An act for the benefit of the Augusta College.

An act to authorise the establishment of a library in Rockcastle, and for other purposes.

An act to amend the road laws so far as respects the county of Mason.

An act for the benefit of Jesse Boyd.

An act to establish the town of Feliciana, in Graves county.

An act to explain and increase the jurisdiction of justices of the peace, in relation to sums under five pounds.

An act for the benefit of Agnes B. Berry and children.

An act to amend the 14th section of the act to reduce into one, the execution laws of this state.

An act to amend an act, organising a fire company in the town of Augusta; and

An act to establish the town of Alexandria, in the county of Campbell, and for other purposes.

And a preamble and resolutions in relation to nullifying acts of Congress by a single State of the Union.

And that they had received official information that the Governor did, on the 14th instant, approve and sign enrolled bills, which originated in this house, of the following titles, viz:

An act to authorise the county court of Scott county to increase the allowance to patroles of said county.

An act to change the time of holding the November term of the Casey circuit court.

An act to enlarge the limits of the town of Elkton, in the county of Todd.

An act to regulate the town of Simpsonville, in Shelby county.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county.

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act for the benefit of Spencer Boyd, and others, of Bath county.

An act to authorise the county court of Hardin county to pur-

chase one hundred additional acres of land, for the poor-house established in said county.

An act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to change the names of Claiborne Brewer and Mary Felicia McMann; and

An act to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.

Mr. Churchill presented the petition of sundry citizens of the town of Brandenburg; Mr. Griffith presented the petition of sundry citizens of Breckenridge county; and Mr. H. Owsley presented the petition of sundry citizens of the town of Crab Orchard; praying for the establishment of a Bank at Louisville.

Mr. Fleming presented the petition of sundry citizens of Fleming county, praying that a law may pass, repealing the acts establishing election precincts at Poplar plains and James Markwell's, in said county, and to establish an election precinct in said county, the place of voting to be at J. & S. Foadray's, in the town of Hillsborough; and also the petition of sundry citizens of said county counter thereto.

The said petitions were received: the three former were laid on the table; and the two latter were referred to the committee of propositions and grievances.

Mr. Wood, from the committee of religion, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Melinda Noe.

An act for the benefit of Israel Rose.

An act for the relief of James Cole.

An act for the benefit of Bowling Thompson.

An act for the benefit of Maria Tyler.

An act to dissolve the marriage contract between Francis Conner and wife, and others; and

An act for the benefit of Samuel S. Scroggin;

Reported the same without amendment.

And the question being taken on reading the said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Flora N. C. Harding, reported the same without amendment; and the said bill was recommitted to the same committee.

Mr. Clark, from the committee of internal improvements, to whom was referred the petition of Edward Martin, reported the following resolution thereon, viz:

*Resolved*, That the said petition be rejected; which was twice read and concurred in.



Leave was given to bring in the following bills, viz:

On the motion of Mr. George—1. A bill to amend the Wilderness Turnpike road law; and

On the motion of Mr. W. Owsley—2. A bill for the benefit of the heirs of Francis P. Hord, deceased.

Messrs. George, W. Owsley and Stephens, were appointed a committee to prepare and bring in the former; and Messrs. W. Owsley, Brown and Wickliffe, the latter bill.

On the motion of Mr. Wickliffe, the vote was reconsidered rejecting a bill for the benefit of Halbert McClure and William Fish, of Rockcastle county; and the said bill was recommitted to the committee of courts of justice.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Wingate in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Wingate reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to connect the towns of Newport and Covington with Cincinnati, by a bridge: and also, a bill to remove the obstructions to navigation at the falls of Green river, and for other purposes: and had gone through the same, and made amendments to each, which he handed in at the clerk's table.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State; and also,

A message announcing that the Governor did, on the 14th inst. approve and sign an enrolled bill, which originated in the Senate, entitled, an act to add a part of Oldham county to the county of Shelby.

And then the Senate adjourned.

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### FRIDAY, JANUARY 18.

The Senate assembled.

A message was received from the House of Representatives, announcing their disagreement to the amendments proposed by the Senate, to a bill which originated in that house, entitled, an act to provide for laying the levy in certain counties, and for other purposes;

And their concurrence to the amendments proposed by the Senate to bills, which originated in that house, of the following titles, viz:

An act to legalise the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.

An act to establish a road from Louisville to the state line, in a direction of Knoxville.

An act for the benefit of Daniel M. Kittinger.

An act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

An act changing the boundary lines of the 72d Regiment, K. M.

An act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties.

An act for the benefit of Sally Spillman.

An act to authorise the collection of certain officers' fees.

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs,

An act to change the place of voting in the Claysville precinct, in Harrison county.

An act authorising the several county courts of this commonwealth, to permit gates to be erected on certain public roads.

That they had passed bills, which originated in that house, of the following titles, viz:

An act to incorporate the city of Maysville.

An act for the benefit of the infant heirs of Casper Hinton; and

An act for the benefit of the children of Caleb Martin.

Three messages in writing were received from the Governor, by Mr. Sanders, Secretary of State.

The messages in writing received from the Governor on the 8th, 9th, 11th, 14th, and 17th instant, were taken up and read, as follows, viz:

*Gentlemen of the Senate—*

In nominate, for your advice and consent, Robert B. Scott, to be commissioned Lieutenant Colonel of the 72d Regiment, K. M. in the place of Thomas W. Hammond, who refuses to accept.

James McDonald, to be commissioned Lieutenant Colonel of the 50th Regiment, in place of John T. Catlin, resigned.

John C. Riley, to be commissioned Major in said Regiment, in place of James McDonald, promoted.

Philip Fulkerson, to be commissioned Major of the 87th Regiment, in the place of George Keer, resigned.

John Sprout, to be commissioned Lieutenant Colonel of the 23d Regiment, in the place of S. W. Atkerson, resigned.

James Henderson, to be commissioned Major in the same Regiment, in place of John Sprout, promoted.

JOHN BREATHITT.

*Gentlemen of the Senate—*

Having formed a new Regiment out of part of the 54th Regiment, K. M. to be styled the 124th Regiment, and to be attached to the 18th Brigade, I nominate, for your advice and consent, to be commissioned as officers of said Regiment: Henry Branson, Colonel; John Lewis, Lieutenant Colonel; James Farmer, Major.

I also nominate, for your advice and consent, William Green, to be commissioned Lieutenant Colonel in the 54th Regiment, in place of Henry Branson, promoted in the new Regiment; and

John Braughman, to be commissioned Major in said 54th Regiment, in the place of John Lewis, promoted in said new Regiment.

JOHN BREATHITT.

*Gentlemen of the Senate—*

Since the adjournment of the Legislature on the 28th day of Dec. 1831, the following Militia officers have been commissioned until the end of your present session. I therefore nominate them, for your advice and consent, to be commissioned to fill the offices respectively annexed to their names, viz:

1. John Rowan, jr. to be aid to myself.
2. William M. Anderson, to be aid to myself.
3. William P. Sutton, to be Brigadier General of the 4th Brigade, in place of John Conner, resigned.
4. William Johnson, to be Brigadier General of the 6th Brigade, in place of Christopher Lillard, promoted.
5. Thomas Sterrett, to be Brigadier General of the 20th Brigade, in place of James Forbis, resigned.
6. George W. Ruddell, to be Brigadier General of the 25th Brigade, in place of Thomas Alexander, resigned.
7. Arthur H. Davis, to be Brigadier General of the 28th Brigade, in place of M. Lyon, resigned.
8. James W. Blakey, to be Inspector of the 1st Division, in place of  
— .
9. Ambrose W. Dudley, to be Quarter Master of the 3d Division, in place of N. L. Finnell, removed.
10. Abraham G. Watts, to be Quarter Master of the 6th Division, in place of W. D. Payne, resigned.
11. Braxton W. Chamblin, to be Inspector of the 10th Division, in place of A. W. McClintock, removed.
12. Hiram Norton, to be Quarter Master of the 15th Brigade, in place of S. G. Herndon, promoted.
13. Henry W. Collins, to be Quarter Master of the 19th Brigade.
14. John Clay, to be Quarter Master of the 25th Brigade.
15. John Hill, to be Quarter Master of the 27th Brigade, in place of Thomas Jamison, removed.
16. Daniel McCalister, to be Quarter Master of the 29th Brigade.
17. I. H. Hobb, to be Major of the 1st Regiment, in the place of William Smith, refused to accept.



18. Benjamin Read, to be Major of the 2d Regiment, in the place of John McIsaac, resigned.

19. Samuel Knott, to be Colonel of the 4th Regiment, in the place of I. H. McElroy, resigned.

20. Carey Vancicave, to be Lieutenant Colonel of the 4th Regiment, in the place of L. Elder, resigned.

21. Washington Beall, to be Major of the 4th Regiment, in the place of Samuel Knott, promoted.

22. John M. Jordan, to be Lieutenant Colonel of the 5th Regiment, in the place of John Cardwell, resigned.

23. David McGee, to be Major of the 5th Regiment, in the place of John M. Jordan, promoted.

24. Medley Shelton, to be Colonel of the 11th Regiment, in the place of J. H. Woolfolk, resigned.

25. William Wooldridge, to be Lieutenant Colonel of the 11th Regiment, in the place of M. Shelton, promoted.

26. Presly F. Lamkin, to be Major of the 11th Regiment, in the place of W. Wooldridge, promoted.

27. John Pratt, to be Colonel of the 12th Regiment, in the place of W. Johnson, promoted.

28. Daniel Morris, to be Lieutenant Colonel of the 12th Regiment, in the place of John Pratt, promoted.

29. James Brown, to be Major of the 12th Regiment, in the place of D. Morris, promoted.

30. Joseph Reveal, to be Colonel of the 13th Regiment, in the place of M. R. Arnold, removed.

31. David Mann, to be Lieutenant Colonel of the 13th Regiment, in the place of J. Reveal, promoted.

32. John Harris, to be Major of the 13th Regiment, in the place of David Mann, promoted.

33. Nimrod L. Lindsey, to be Colonel of the 14th Regiment, in the place of J. M. Cogswell, resigned.

34. William Pearce, to be Lieutenant Colonel of the 14th Regiment, in the place of N. L. Lindsey, promoted.

35. George W. Williams, to be Major of the 14th Regiment, in the place of B. W. Chamberlin, refused to accept.

36. Jeremiah Long, to be Colonel of the 18th Regiment, in the place of Andrew White, resigned.

37. Peter Booth, to be Lieutenant Colonel of the 18th Regiment, in the place of J. Long, promoted.

38. Thomas P. Wilson, to be Major of the 18th Regiment, in the place of J. Holly, refused to accept.

39. Benjamin Branden, to be Major of the 20th Regiment, in the place of N. Cason, resigned.

40. Charles Dance, to be Major of the 21st Regiment, in the place of John Wheeler, refused.

41. James M. Bradford, to be Lieutenant Colonel of the 22d Regiment, in the place of A. H. Rennick, resigned.

42. Richard F. Richmond, to be Major of the 22d Regiment, in the place of J. M. Bradford, promoted.

43. James Fee, to be Colonel of the 28th Regiment, in the place of J. Morris, resigned.

44. James O'Neal, to be Lieutenant Colonel of the 28th Regiment, in the place of J. Fee, promoted.

45. Levi Walters, to be Major of the 28th Regiment, in the place of J. O'Neal, promoted.

46. Thomas S. Kennedy, to be Lieutenant Colonel of the 35th Regiment, in the place of E. Park, resigned.

47. E. Hocker, to be Major of the 35th Regiment, in the place of T. S. Kennedy, promoted.

48. Henderson Powell, to be Lieutenant Colonel of the 41st Regiment, in the place of Y. Sandifer, resigned.

49. Edmund H. Hopkins, to be Major of the 41st Regiment, in the place of H. Powell, promoted.

50. James H. Gasaway, to be Lieutenant Colonel of the 45th Regiment, in the place of Newberry Smith, deceased.

51. James Cummins, to be Major of the 45th Regiment, in the place of I. W. Evans, resigned.

52. Joseph W. Fowler, to be Colonel of the 55th Regiment, in the place of J. W. Simpson, resigned.

53. Jesse Stevens, to be Lieutenant Colonel of the 55th Regiment, in the place of J. W. Fowler, promoted.

54. Joshua Gore, to be Major of the 55th Regiment, in the place of J. Stevens, promoted.

55. Burdett Kemper, to be Colonel of the 57th Regiment, in the place of J. Yantis, removed.

56. Isaac M. Myers, to be Lieutenant Colonel of the 57th Regiment, in the place of Peter Oatman, resigned.

57. Jacob F. Colier, to be Major of the 57th Regiment, in the place of B. Kemper, promoted.

58. Archibald S. Letcher, to be Major of the 60th Regiment, in the place of J. Miller, resigned.

59. William Rose, to be Lieutenant Colonel of the 66th Regiment, in the place of William Harreldson, refused to accept.

60. John Ranear, to be Major of the 66th Regiment, in the place of J. H. Puckett, promoted.

61. John Cave, to be Lieutenant Colonel of the 67th Regiment, in the place of E. Collins, resigned.

62. Walker Graves, to be Major of the 67th Regiment, in the place of J. Cave, promoted.

63. John Tolle, to be Colonel of the 69th Regiment.

64. Ambrose D. McDonald, to be Lieutenant Colonel of the 69th Regiment.

65. Matthew Crutcher, to be Major of the 69th Regiment.

66. James Trabue, to be Lieutenant Colonel of the 71st Regiment, in the place of W. Kendall, resigned.

67. William Montjoy, to be Major of the 71st Regiment, in the place of J. Trabue, promoted.

68. John G. Howard, to be Lieutenant Colonel of the 73d Regiment, in the place of J. B. Hinton, resigned.

69. Winston Bowman, to be Major of the 74th Regiment, in the place of A. Jones, removed.

70. William Faris, to be Colonel of the 75th Regiment, in the place of L. Pitman, resigned.

71. William Jackson, to be Lieutenant Colonel of the 75th Regiment, in the place of W. Farris, promoted.

72. Lemuel Hibbard, to be Major of the 75th Regiment, in the place of E. Jones, resigned.

73. William Brooks, to be Colonel of the 76th Regiment.

74. Brizan Pursley, to be Lieutenant Colonel of the 76th Regiment.

75. Daniel M. White, to be Major of the 76th Regiment.

76. John K. Thompson, to be Colonel of the 77th Regiment, in the place of A. Weathers, deceased.

77. Stephen F. Gano, to be Lieutenant Colonel of the 77th Regiment, in the place of John K. Thompson, promoted.

78. Edward Smith, to be Major of the 77th Regiment, in the place of Stephen F. Gano, promoted.

79. Samuel M. Dysart, to be Major of the 79th Regiment, in the place of C. Colyer, resigned.

80. James W. Leigh, to be Colonel of the 84th Regiment, in the place of T. G. Watkins, resigned.

81. John H. Mims, to be Lieutenant Colonel of the 84th Regiment, in the place of J. W. Leigh, promoted.

82. James Chambers, to be Colonel of the 86th Regiment, in the place of John O. Beaseman, resigned.



83. Thomas T. Garnett, to be Lieutenant Colonel of the 86th Regiment, in the place of D. Snodgrass, resigned.

84. Westley Roberts, to be Major of the 86th Regiment, in the place of J. Chambers, promoted.

85. Eli Bogarth, to be Colonel of the 87th Regiment, in the place of J. Thomas, resigned.

86. John W. Duwees, to be Lieutenant Colonel of the 87th Regiment, in the place of E. Bogarth, promoted.

87. Robert Criswell, to be Lieutenant Colonel of the 88th Regiment, in the place of J. Green, removed.

88. James S. Chilton, to be Major of the 88th Regiment, in the place of R. Criswell, promoted.

89. James V. Walker, to be Colonel of the 91st Regiment, in the place of D. W. Poor, resigned.

90. John Sanders, to be Lieutenant Colonel of the 91st Regiment, in the place of D. J. Burkes, resigned.

91. James B. Burges, to be Major of the 91st Regiment, in the place of J. V. Walker, promoted.

92. Thomas Jasper, to be Colonel of the 95th Regiment, in the place of G. B. Cooper, resigned.

93. John Hill, to be Lieutenant Colonel of the 95th Regiment, in the place of Thomas Jasper, promoted.

94. Spencer Hudson, to be Major of the 95th Regiment, in the place of J. Hill, promoted.

95. Shaderach A. Benham, to be Major of the 97th Regiment, in the place of J. P. Caldwell, removed.

96. Joseph W. Rowlett, to be Colonel of the 100th Regiment, in the place of S. D. Hanks, resigned.

97. William T. Foster, to be Lieutenant Colonel of the 100th Regiment, in the place of J. W. Rowlett, promoted.

98. John Bishop, to be Major of the 100th Regiment, in the place of W. Foster, promoted.

99. Aylett H. Buckner, to be Lieutenant Colonel of the 101st Regiment, in the place of A. Gardner, resigned.

100. Roger Jones, to be Major of the 101st Regiment, in the place of A. H. Buckner, promoted.

101. Archibald Norton, to be Lieutenant Colonel of the 104th Regiment, in the place of W. P. Thomas, resigned.

102. James Hampton, to be Major of the 104th Regiment, in the place of A. Norton, promoted.

103. John P. Porter, to be Colonel of the 106th Regiment, in the place of Robert Bell, removed.

104. William Barr, to be Lieutenant Colonel of the 106th Regiment, in the place of John P. Porter, promoted.

105. William P. Hart, to be Major of the 106th Regiment, in the place of William Barr, promoted.

106. Jonathan Mullins, to be Colonel of the 111th Regiment, in the place of Arthur H. Davis, promoted.

107. James B. Blair, to be Colonel of the 114th Regiment, in the place of G. W. Ruddell, promoted.

108. Henry Shoults, to be Lieutenant Colonel of the 114th Regiment, in the place of J. B. Blair, promoted.

109. James H. Shanklin, to be Major of the 114th Regiment, in the place of H. Shoults, promoted.

110. Isaac R. Smith, to be Colonel of the 116th Regiment, in the place of R. K. White, removed.

111. Michael Souther, to be Lieutenant Colonel of the 116th Regiment, in the place of A. Kightly, resigned.

112. James F. Wilson, to be Major of the 116th Regiment, in the place of J. R. Smith, promoted.

113. John D. Morgan, to be Colonel of the 117th Regiment, in the place of David McCoy, deceased.

114. John Fible, to be Lieutenant Colonel of the 117th Regiment, in the place of David G. Lane, removed.

115. Samuel Smiser, to be Major of the 117th Regiment, in the place of J. D. Morgan, promoted.

116. John McCullom, to be Colonel of the 119th Regiment, in the place of George Collins, resigned.

117. John W. Wemmack, to be Lieutenant Colonel of the 119th Regiment, in the place of J. M. Cullom, promoted.

118. A. W. Garrett, to be Major of the 119th Regiment, in the place of J. W. Wemmack, promoted.

JOHN BREATHITT.

*January 10, 1833.*

*Gentlemen of the Senate—*

I nominate, for your advice and consent, the following officers, to be commissioned to fill the offices respectively annexed to their names, to-wit:

John Mannen, to be Brigadier General of the 7th Brigade, in the place of Thomas Donivan, deceased.

Jacob A. Sack, to be Colonel of the 15th Regiment, in the place of John Mannen, promoted.

William Bell, to be Colonel of the 123rd Regiment, a new one formed since the adjournment of the last Legislature.

Stephen Lee, to be Lieutenant Colonel of the same.

James Cooper, to be Major of the same.

JOHN BREATHITT.

*Gentlemen of the Senate—*

I nominate, for your advice and consent, the following officers to be commissioned to fill the offices respectively annexed to their names, viz:

Jesse Mosely, to be Major General of the 11th Division, in the place of Alexander M. Henry, removed.

Banister Wall, to be Brigadier General of the 12th Brigade, in the place of Jesse Mosely, if promoted.

John G. Howard, to be Colonel of the 73rd Regiment, in the place of Banister Wall, if promoted.

Dymet Downing, to be Colonel of the 125th Regiment, a new one formed in the county of Hickman.

William B. Jenkins, to be Lieutenant Colonel of the 125th Regiment.

Isaac B. Gibson to be Major of the 125th Regiment.

Thomas J. Flourney, to be Colonel of the 118th Regiment.

Robert Fletcher, to be Lieutenant Colonel of the 118th Regiment.

Archibald Nailor, to be Major of the 118th Regiment.

Matthias Travis, to be Lieutenant Colonel of the 112th Regiment, in the place of Wm. Armstrong, promoted.

Lewis Gray, to be Major of the 112th Regiment, in the place of Matthias Travis, promoted.

John Blagg, to be Lieutenant Colonel of the 111th Regiment, in the place of Reuben E. Rowland, resigned.

Jesse Darnall, to be Major in the 111th Regiment, in the place of John Blagg, if promoted.

William M. Pickett, to be Lieutenant Colonel of the 73rd Regiment, in the place of John G. Howard, if promoted.

Joseph Adamson, to be Lieutenant Colonel of the 15th Regiment.

James Byers, to be Major of the 15th Regiment.

JOHN BREATHITT.

*January 17, 1833.*

*Resolved*, That the Senate advise and consent to the appointment of all the persons so nominated, except to that of William M. Pickett, to be Lieutenant Colonel of the 73d Regiment, which was laid on the table.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elizabeth McClure, reported the same without amendment.



And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville, reported the same with amendments; which were twice read and concurred in.

And the said bill was recommitted to the same committee, with instructions to report an amendment, authorising the stockholders to locate the road.

Mr. Clark, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act declaring John's creek, in Floyd and Pike counties, a navigable stream, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the late sheriff of Grant county, and his securities, reported the same with their opinion that it ought not to pass.

*Ordered*, That the said bill be read a third time.

Mr. Hardin, from the same committee, to whom was referred a bill to explain and amend the act, approved December 22d, 1831, requiring tavernkeepers, pedlars of clocks, and owners and keepers of covering horses and jacks, to pay taxes in advance and obtain license, reported the same with amendments; which were twice read and concurred in.

One of the said amendments proposed to strike out the following section, viz:

Whereas, it is represented to the General Assembly of the commonwealth of Kentucky, that frauds are almost daily committing upon the revenue of the state, by pedlars combining to avoid the existing law. For remedy whereof—

*Be it further enacted*, That from and after the passage of this act, it shall be the duty of each and every person or persons, hereafter engaged in peddling goods, wares, or merchandize, in any part of this commonwealth, to have their peddling license recorded in the county court clerk's office, in each county they attempt to sell goods in, and pay the clerk fifty cents for recording the same. If any pedlar or pedlars, after the passage of this act, fail or refuse to have their license recorded as aforesaid, they shall be liable to, and pay a fine of, ten dollars and costs of suit, recoverable

before any justice of the peace, one-half to the informer, the other half shall be paid to the clerk of the county court; and he shall account for the same, in the same manner that he is required to account for the taxes received upon granting the license; and is also required to make out lists and report the same to the court, and in all things be governed by the laws heretofore in force, prescribing his duties.

The yeas and nays being required on concurring in said amendment, by Messrs. Beatty and Harris, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Churchill, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Rudd, Stephens, Taylor, Thompson, Thornton, Wingate, Wood—30.

NAYS—Messrs. Beatty, George—2.

The said bill, as amended, is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That it shall not be lawful hereafter to grant a tavern license to any person of color.

Mr. Thornton moved to amend the said bill by adding thereto the following section, viz:

*Be it further enacted,* That all laws requiring a tavern keeper to pay for a license, except such as retail spirituous liquors and such as reside in towns, are, and shall be, hereby repealed.

Mr. Beatty moved to lay the said bill and amendment on the table, until the first day of June next.

And the question being taken thereon, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. Conner and Parks, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Brown, Campbell, Churchill, Clark, Conner, Cunningham, Guthrie, Hardin, Harris, Murrell, Parks, Rodman, Rudd, Sisk, Wood—17.

NAYS—Messrs. Bibb, Boyd, Dejarnatt, Dougherty, George, Gholson, Griffith, Murray, H. Owsley, W. Owsley, Payne, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—17.

Mr. Hardin, from the same committee, to whom was referred a bill to amend the act incorporating the Bardstown and Louisville Turnpike Company, reported the same with an amendment as a substitute for the bill.

The said bill is as follows, viz:

SEC. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the Governor be and he is hereby authorized to subscribe for four hundred shares of stock in the Bardstown and Louisville Turn-

pike, whenever the residue of the capital stock in said company shall be subscribed for by individuals; and the Governor for the time being shall vote on the stock of the State according to the same ratio and in the same manner that individual stockholders are entitled to vote on their stock.

SEC. 2. *Be it further enacted*, That the Governor, by his warrant on the auditor of public accounts, shall cause payments to be made on the stock of the state, in the same ratio that payments shall have been made on the stock of individuals. Any money in the Treasury, or any funds of the State in the Bank of Kentucky, or in the Bank of the Commonwealth of Kentucky, shall be subject to the payment of the stock in the Bardstown and Louisville Turnpike Company.

The said amendment is as follows, viz:

Whereas, the Commonwealth has reserved the right to take one moiety of the stock in the Louisville Turnpike Company, and said Company have constructed five miles of said road, and it is desirable to continue said road towards Bardstown, by the way of Mount Washington, beyond the ten miles which the Louisville Company are bound by their charter to construct—therefore,

SEC. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That whenever the Louisville Turnpike Company shall extend their capital stock to five hundred shares, and file with the secretary of state, and recorded in his office their written consent to become jointly interested with the state, to extend their road towards Bardstown, by the way of Mount Washington to a point on said road, twenty miles from Louisville, that the Governor of this Commonwealth shall be and he is hereby authorized to subscribe for five hundred shares of stock in said turnpike, for and on behalf of this commonwealth; and thereafter, the right reserved to the commonwealth to take one half of the stock as provided in the charter, shall cease and determine, and the individual stockholders and the state shall be jointly interested in the whole twenty miles; and the stock owned by the state shall be voted on in the same ratio as that of individual stockholders by the Governor of the Commonwealth, or some one authorized by him, until otherwise directed by law.

SEC. 2. That when the Louisville Turnpike Company shall file with the secretary of state the written consent of said company to become jointly interested with the state, and to extend said Turnpike, as aforesaid, to a point twenty miles from Louisville, all the rights, privileges, tolls, and emoluments granted them by their charter, shall be and the same are confirmed to them, and extended to the whole twenty miles, under the same limitations and restrictions; and on the president and managers



of said company returning to the office of the secretary of state a just and true statement of all the costs of constructing the Louisville Turnpike, up to the time the state shall become jointly interested therein as aforesaid, the Governor shall be and he is hereby authorised to issue his warrant on the Treasurer in favor of said President and managers for the one moiety of such costs, which shall be a payment on behalf of the state of so much on their stock in said company; and thereafter the President and managers, on declaring a dividend on the stock in said company, shall pay into the Treasury the dividend on the stock of the state, within thirty days after the time of declaring the same; and whenever said company shall file in the office of the secretary of state a just and true account of the costs of constructing any part of the balance of said twenty miles, not less than one hundred poles at a time, the Governor shall, in like manner, issue his warrant on the Treasurer for the one moiety thereof, which shall, in like manner, be a payment on the stock of the state, until the whole forty thousand dollars shall be paid, or the whole twenty miles shall be finished, with the necessary permanent bridge across Floyd's fork.

SEC. 3. The president and managers shall, at each session, lay before the legislature a just and true account of all moneys expended in the construction and repair of said road, and for incidental expenses, and of the receipts for tolls or otherwise, and of the dividends declared.

SEC. 4. *Be it further enacted*, That when stock shall be subscribed sufficient to extend said road to Bardstown, or to any point on the route towards Bardstown, five miles beyond the twenty miles, and said road shall be finished to Bardstown, or to any point five miles beyond the twenty miles, then and in that event, the stockholders shall be equally interested in the whole road.

Mr. W. Owsley moved to lay the said bill and amendment on the table, until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Conner, Dejarnatt, Dougherty, George, Gholson, Murray, Murrell, W. Owsley, Rudd, Sisk, Thompson, Wood—14.

NAYS—Messrs. Beatty, Boyd, Churchill, Cunningham, Guthrie, Hardin, Harris, James, H. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thornton, Wickliffe, Wingate—17.

The question was taken on concurring in the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Gholson, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Conner, Cunningham, Griffith, Guthrie, Hardin, Harris, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—20.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, George, Gholson, James, Murray, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Wood—13.

The question was then taken on engrossing the said bill, and reading it a third time; it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Hardin and Gholson, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Churchill, Clark, Cunningham, Guthrie, Hardin, Harris, Parks, Payne, Stephens, Taylor, Thornton, Wickliffe, Wingate—16.

NAYS—Messrs. Beaseman, Bibb, Campbell, Conner, Dejarnatt, Dougherty, George, Gholson, Griffith, James, Murray, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Thompson, Wood—18.

Mr. Hardin from the same committee, to whom was referred a bill from the House of Representatives entitled, an act to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington and Frankfort to Ghent, reported the same with a recommendation that it ought not to pass.

The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Woolfolk and William K. Fantleroy, of the county of Owen, and Robert Sanders and John D. Hamilton, of the county of Gallatin, be, and they are hereby appointed, commissioners, whose duty it shall be, under the direction of the county courts of said counties, to proceed, as soon as practicable, to make out the plan of a bridge across Main Eagle creek, where the main roads from Lexington, Georgetown and Frankfort crosses the same, in the direction to Ghent on the Ohio river, opposite Vevay, in New Switzerland, Indiana; and said commissioners shall also make an estimate of the probable cost of erecting said bridge, and return to each of the county courts aforesaid a copy of such plan and estimate.

SEC. 2. *Be it further enacted*, That if the said courts shall adopt the said plan of a bridge, they may, and are hereby authorized, respectively, a majority of all the justices in commission being present, to levy and collect, from the titheables of their counties respectively, one half of the whole amount of such estimate, after deducting expenses of collection; that is to say, the county court of Owen county shall levy and collect one fourth the whole amount of such estimate, and the county court

of Gallatin county shall levy and collect the other fourth part of such estimate, which levies and collections shall be appropriated to the building of said bridge; and all such appropriations, together with the plan of the Bridge, shall be noted of record in each of said county courts.

SEC. 3. *Be it further enacted*, That said commissioners, or a majority of them, may proceed to let the building of said bridge to the lowest bidder, at public auction, at the place of its intended erection, giving three weeks previous notice thereof in writing, at the court house door in Owen county, and at the court-house door in Gallatin county, and the most public places in Liberty, Ghent, and in one of the newspapers printed in Frankfort. And the undertaker or undertakers thereof, shall execute bond, with approved security, payable to the commissioners, and their successors, in an adequate penalty, conditioned for the faithful execution of the work by a given time: to be decided upon and determined by said commissioners, and according to the plan adopted by said county courts.

SEC. 4. *Be it further enacted*, That the said commissioners, before they shall be entitled to draw any of the funds in this act, authorised to be appropriated towards the erection of said bridge, they shall enter into bond, with approved security, in the Owen county court, payable to the Commonwealth of Kentucky, in a penalty double the amount of the estimated costs of building said bridge, conditioned for the faithful application of all moneys coming to their hands from all sources whatever, appropriated to said bridge, which may be sued on by any person injured by a breach of the condition thereof, in any court having jurisdiction of the cause of action.

SEC. 5. *Be it further enacted*, That whenever the county courts of Owen and Gallatin counties, shall certify, under the hand of their clerks, to the Auditor, that they have adopted the plan of said bridge, and have levied on the titheables of their respective counties the amounts required in this act, and shall also certify as aforesaid, that the said commissioners have executed a bond as required by this act, the Auditor of Public Accounts is hereby directed to issue his warrant on the Treasurer for a sum equal to that levied by said county courts, in favor of said commissioners; provided, that the amount authorised to be drawn from the Treasury shall in no wise exceed the nett revenue collected in said counties of Owen and Gallatin for the year one thousand eight hundred and thirty-two.

SEC. 6. The said bridge, when erected, shall be free for all passengers, and shall be kept in repair by the said county courts in such manner as they shall jointly elect.



The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Hardin and Wingate, were as follows, viz:

YEAS—Messrs. Beatty, Dejarnatt, Dougherty, Harris, James, Parks, Payne, Rodman, Stephens, Wingate—10.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Conner, Cunningham, George, Gholson, Griffith, Guthrie, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Rudd, Taylor, Thompson, Thornton, Wickliffe, Wood—24.

On the motion of Mr. Hardin, the committee of finance was discharged from the further consideration of the petition of Samuel Allison, to them referred on the 7th ultimo.

Mr. Hardin, from the same committee, to whom was referred a bill to improve the public grounds around the Capitol, and to secure the public property from injury, reported the same without amendment: and, on the motion of Mr. Hardin, the said bill was laid on the table until the first day of next session.

Mr. Hardin, from the same committee, reported a bill for the benefit of Spencer Curd's representatives; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with:

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Beatty, read and laid on the table the following resolution, viz:

*Resolved*, by the General Assembly of the Commonwealth of Kentucky, That the committee on finance, in the Senate, be and they are hereby appointed a committee to settle with, and investigate the accounts between this commonwealth and the keeper of the penitentiary, and that they have power to send for persons and papers, and do all things necessary to a full and final settlement of said accounts; and that they report the result of said investigation and settlement to the next session of the General Assembly.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee, reported the same with amendments,

Which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and the road from Columbia, by Creelsburg, to the state line."

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Shields, reported the same, with the opinion of the committee that it ought not to pass.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. W. Owsley, from the same committee, reported a bill providing for settling the accounts with the keeper of the penitentiary: which was read the first time.

And then the Senate adjourned.

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*SATURDAY, JANUARY 19.*

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to explain and amend the act of 22d December, 1831, on the subject of granting license to tavern keepers.

An act for the benefit of the infant heirs of Thomas Frazier, deceased.

An act for the benefit of Susannah Brown.

An act to dissolve the marriage contract between William and Pamela M. Parker: and

An act for the benefit of the sheriff of Hickman county.

Mr. Dejarnatt presented the petition of sundry citizens of the town of Richmond, praying that a law may pass, authorising the trustees of said town to levy a tax to McAdamize the streets thereof,

Which was received, and referred to a committee of Messrs. Dejarnatt, Clark, and Thornton.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill to regulate the penitentiary, reported the same, with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was rejected.

Mr. Guthrie, from the same committee, reported a bill to incorporate the Louisville and Bonharbour Coal Company;

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line in the direction to Nashville, reported the same, with amendments,

Which were twice read, and concurred in.

Mr. W. Owsley moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Thompson, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Conner, Dejarnatt, Dougherty, George, H. Owsley, W. Owsley, Rodman, Rudd, Sisk, Thompson,—12.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Cunningham, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, Parks, Payne, Stephens, Taylor, Thornton, Wingate, Wood—23.

Mr. Hardin moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. George and Gholson, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Conner, Dejarnatt, Gholson, Hardin, James, Murray, Murrell, Rodman, Rudd, Wingate, Wood—16.

NAYS—Messrs. Brown, Churchill, Clark, Cunningham, Dougherty, Fleming, George, Griffith, Guthrie, Harris, H. Owsley, W. Owsley, Parks, Payne, Sisk, Stephens, Taylor, Thompson, Thornton—19.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.



The yeas and nays being required thereon, by Messrs. W. Owsley and Dougherty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Cunningham, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, Murray, Murrell, Parks, Payne, Rudd, Stephens, Taylor, Thornton, Wingate, Wood—23.

NAYS—Messrs. Beaseman, Campbell, Conner, Dejarnatt, Dougherty, George, James, H. Owsley, W. Owsley, Rodman, Sisk, Thompson—12.

Mr. Clark, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the opening a road from Frankfort to Williamstown, in Grant county, reported the same, without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the joint committee appointed to examine the government house, made the following report, viz:

The joint committee appointed to examine the Government House, in the town of Frankfort, have performed that duty, and beg leave to report—

That the house has been thoroughly repaired, and is now ready for the reception of the Executive; and in examining said repairs, your committee would state, that they saw nothing which had not been absolutely necessary to render the house comfortable, and although the amount claimed for said repairs, in the aggregate, amount to a considerable sum, to-wit: \$2325 56 cents, in examining the bills separately, they see nothing in them extravagant, more than is usually paid for work and materials of a similar kind by private individuals; they therefore recommend the adoption of the following resolution:

*Resolved*, That the said bills be filed with the committee on claims, with instruction to report a bill for the payment thereof out of the public treasury, in commonwealth's paper.

CYRUS WINGATE,	}	<i>From the Senate.</i>
WM. G. BOYD,		
ENOCH PRINCE,	}	<i>Of the H. R.</i>
ROBT. B. McAFEE,		
E. F. NUTTALL,		
SAMUEL MAY,		
J. JENNINGS,		
JESSE ABELL,		

Mr. Wingate, from the joint committee appointed to examine the Register's office, made the following report, viz:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land Office, have performed the duty required, and report as follows:

That they find transcribed from the Virginia Land Office, surveys in bundles, numbered from 1 to 273, neatly labelled, with an alphabet; also, 19 bundles containing the caveated and defective surveys on which grants have issued, four bundles of caveated surveys, two bundles of defective surveys, and one bundle of surveys mislaid from their proper places, all neatly labelled and recorded in eleven volumes, well bound, with a complete alphabet; two bundles of warrants located and mislaid, one bundle copies of wills, sixteen volumes, the record of grants issued on the aforesaid surveys in good order with a complete alphabet; the record of military warrants from the Virginia Land Office, in two volumes with alphabets, in good order. A list of Virginia Treasury warrants, in two volumes. The record of pre-emption warrants, in one volume, and one volume containing the record of warrants under the proclamation of 1763, with alphabets, in good order. Commissioner's certificates granted in 1779 and 80, in three volumes with alphabets, in good order; the sale books of non-residents' lands for the years 1800, 1, 2, and 4, have a new alphabet, (though the books are somewhat worn,) the books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are recorded, they find in good order with alphabets, two volumes, in which surveys have been registered since 1792, in good order; the said surveys are tied up in bundles and numbered from 1 to 145, neatly labelled, with an alphabet. The records of these surveys, together with the record of some grants, in eleven volumes with an alphabet, in good order; the grants issued on the aforesaid surveys are in nineteen volumes with an alphabet, in good order. The surveys on Head-right claims are neatly registered in three volumes with two alphabets, (one of which is much worn.) The Head-right plats and certificates of survey are filed in bundles, numbered from 1 to 314, neatly labelled, and recorded in seventeen volumes, with two alphabets, in good order. The grants issued thereon are recorded in twenty-eight volumes, well bound with two alphabets, in good order. Land warrants issued under the act of 1800, the surveys and grants on the same, and also, the Tellico surveys and grants, are in three volumes, they are registered in one volume; the original surveys tied up in thirteen bundles neatly labelled, all in good order. Nine bundles of certificates on which warrants have issued, seven bundles of certificates of sale of non-residents' lands, on which deeds have

issued, one bundle Attorney General's opinions to the Register, three bundles county court certificates, seven bundles of caveats since 1792, four bundles caveated surveys since 1792, two bundles of surveys not registered for the want of fees since 1792, one bundle of defective surveys since 1792, forty-two bundles of vouchers on which the late Kentucky land warrants have issued, all neatly labelled and in good order, one volume containing the surveys under the proclamation of 1763, with an alphabet, two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets. Anderson and Croghan's military entry books in two volumes, with alphabets. The transcript of Lincoln entries in two volumes with an alphabet, in good order. May's entries (so called) transcribed in five volumes, with two alphabets, in good order; one volume of Green's deputy register of surveys, made previous to June, 1792. One volume of relinquishments in tolerable order. A list of Kentucky land warrants issued under the act of 1814, and subsequent acts, in three volumes, and the record of said warrants in ten volumes. The original surveys made on said warrants, are tied up in three hundred and fifty-one bundles neatly labelled and recorded, in sixteen volumes well bound; the grants issued thereon recorded in twenty-six volumes with two alphabets, in good order; the said surveys are neatly registered in four volumes with three alphabets, in good order; three volumes in which caveats are recorded, with alphabets. Eleven books of original entries from the county of Fayette, neatly transcribed in four volumes well bound with an alphabet, in good order, agreeably to an act of Assembly, approved 5th January, 1824. One book of original entries from the county of Mercer, one from Bourbon, and one of Nelson, have been returned by the surveyors of said counties, to the Register's office, agreeably to an act of Assembly, approved February 12th, 1820, all of which books of entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the Register's office, as your committee have been informed by the Register. One volume of military grants for land west of the Tennessee river, one volume in which the surveys of that land are recorded, and one volume in which they are registered, the surveys are neatly tied up in six bundles, each volume having a separate alphabet; three volumes in which certificates of sales of lands West of the Tennessee river are recorded, five volumes of grants issued thereon, with alphabets, in good order; one volume of Henderson's field notes; one volume in which the surveys of land South of Walker's line are recorded; three volumes of grants, one volume in which the same are registered, with alphabets, in good order; the surveys are tied up in twenty-three bundles neatly labelled; one vo-



lume of the list of warrants South of Walker's line; one volume in which these warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume of the record of grants on the same, with alphabets, in good order; eleven bundles certificates of sale of lands West of the Tennessee river on which grants have issued, neatly labelled.

Your committee deem it an act of justice to say, that they found the office, its furniture, books and papers in excellent order, and that their examination was greatly facilitated both by the prompt answers of the Register and his clerks, to all the questions propounded to them, and the fact that all the books and papers were in their proper places. Your committee are satisfied that the labors of the office have been greatly increased since the reduction of the price of warrants; and particularly, since the practice has been adopted of dividing large appropriations of land into numerous small warrants and certificates of survey, upon which the state price has been remitted, and no fees are chargeable.

It has been heretofore reported to the Legislature, that the Register expended about eight hundred dollars of his salary annually for clerk hire, on account of the increased duties of his station. Your committee are informed that this is the fact, and incline to the opinion that it would be but an act of justice to that officer, that in all cases in which appropriations of land are made on which the state price and fees are remitted, that some allowance be made to the Register for his increased labor.

All of which is respectfully submitted.

CYRUS WINGATE,	} <i>Committee of the Senate.</i>
JAMES DEJARNATT,	
C. A. RUDD,	

THO. CHILTON,	} <i>Committee H. R.</i>
JOHN WHITE,	
G. A. HENRY,	
B. S. MORRIS,	
S. H. BOONE,	

Mr. Dejarnatt, from the committee to whom was referred the petition of the citizens of Richmond, reported a bill to authorise the trustees of the town of Richmond to levy a tax to McAdamize the streets.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the sheriff of Hickman county, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the committees appointed to prepare and bring in the same, viz.

By Mr. Brown—1. A bill to amend an act incorporating a company to turnpike a road from Frankfort to Lexington, approved January 29th, 1830: and

By Mr. W- Owsley—2. A bill for the relief of the heirs of Francis P. Hord, deceased.

Which were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the former bill, and second and third readings of the latter having been dispensed with: the former was referred to the committee of finance, and the latter being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill for the benefit of the Lexington and Ohio Rail Road Company.

On the motion of Mr. Harris—2. A bill for the benefit of the representatives of James Honaker, deceased.

On the motion of Mr. Stephens—3. A bill for the benefit of the wife and children of Thomas Riley, deceased.

On the motion of Mr. Wickliffe—4. A bill to incorporate the Greenwich Academy.

On the motion of Mr. Beatty—5. A bill to appropriate a part of the vacant land in Casey county for the improvement of certain public highways in said county.

On the motion of Mr. Rodman—6. A bill to distribute the system of exercise and instruction of Field Artillery, and the abstract of Infantry Tactics, published by the Department of War.

On the motion of Mr. Parks—7. A bill to extend the powers of the road commissioners of Bracken county: and

On the motion of Mr. Wickliffe—8. A bill to repeal, in part, and amend the act incorporating the Lexington, Chilesburg and Winchester road company.

The committee of finance was directed to prepare and bring in the first, second and fifth bills; the committee of courts of justice the third; the committee on military affairs the sixth; Messrs. Wickliffe, Thornton and Clark were appointed a committee to prepare and bring in the fourth; Messrs. Parks, Taylor and James,

the seventh; and the committee of internal improvements was directed to prepare and bring in the eighth.

One of the messages in writing, received from the Governor on yesterday, was taken up and read, as follows, viz

EXECUTIVE DEPARTMENT,  
January 18th, 1833. }

*Gentlemen of the Senate—*

I nominate, for your advice and consent, William Tompkins, Esq. to be circuit judge in the place of the Hon. T. T. Crittenden, dec'd.

JOHN BREATHITT.

On the motion of Mr. Hardin, the said nomination was referred to a committee of Mess. Hardin, Guthrie, Clark, Thornton, Taylor and Fleming, with power to send for persons, papers and records, for their information.

Mr. Beatty, from the joint committee appointed to examine the Auditor's office, made the following report, viz:

The joint committee, appointed by the Senate and House of Representatives, to examine the Auditor's Office, have but partially performed that duty.

The committee was informed by the Auditor, that no full and satisfactory examination of the office had taken place since the one made by the commissioners appointed by an act of the General Assembly, approved the 29th January, 1830. The joint committee of last year, appointed to examine said office, seems to have abandoned the examination, because of the immense time and labour it would take, no examination was therefore made last year; this consequently threw a double portion of labour upon this committee, which they are unwilling to undertake; as it would deprive their constituents of their due proportion of legislation.

The committee found the books, so far as they examined them, kept in fine style, and the entries correctly corresponded with the report made by the Auditor to both houses, at an early day in the session.

The committee are of opinion that it is highly important, that provision should be made by law, for the appointment of at least three qualified resident citizens of Frankfort, whose duty it shall be, annually, to examine the Auditor's and Treasurer's Offices, and report the same to the General Assembly.

The committee, therefore, beg leave to accompany this report by a bill.

All of which is respectfully submitted.

MARTIN BEATTY,

*Chairman of the Committee of the Senate.*

B. F. THOMAS,

*Chairman of the Committee of the H. R.*



Mr. Beatty, from the same committee, reported a bill appointing commissioners to examine the Auditor and Treasurer's offices; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Bills of the following titles were reported from the joint committee of enrolments, viz:

By Mr. Wingate—An act declaring John's creek, in Floyd and Pike counties, a navigable stream; and

An act for the benefit of the sheriff of Hickman county.

By Mr. Payne—An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.

An act to change the time of the meeting of the Legislature of Kentucky.

An act for the benefit of Thomas Newskirk and wife.

An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.

An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county; and

An act for the relief of Abraham Miller, of Hardin county.

And that said bills were truly enrolled; and had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Messrs. Wingate and Payne reported that the committee had performed that duty.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky.

The second section of said bill is as follows, viz:

SEC. 2. That said Bank shall have and keep an office of discount and deposite in the city of Louisville, and at no other place, where its banking business shall be transacted and its books of accounts, journals and records shall be kept; and it shall be lawful for said Bank to loan money, buy, sell and negotiate bills of exchange, checks, and promissory notes, and stock in incorporated companies; and to discount upon banking principles and usages, bills of exchange, post-notes, promisory notes, and other negotiable paper or obligations for the payment of a sum of money certain; also, to issue bills or bank notes, payable to bearer on demand; and at its office of discount and deposite, also to draw and issue post-notes and bills of exchange, on individuals, companies or corporations, payable to order, and at such place and at such time or day as the directors for the time being may deem expedient: *Provided*, that it shall not be lawful for said Bank to issue any bank notes, post-notes, promisory notes,

checks or orders, payable to bearer or to any individual or individuals, companies or corporations, of a less denomination than five dollars; nor shall it issue any bills, notes, checks, or orders payable to bearer, other than such as are made payable on demand at its office of discount and deposite. The promissory notes made payable to the President, Directors and Company of the Bank of Louisville, and by said Bank discounted; and the promissory notes made payable and negotiable at the Bank of Louisville, or at any incorporated Bank in the city of Louisville; or any office of discount and deposite of the Bank of the United States, in said city, for the time being, and discounted at said Bank of Louisville, shall not be subject to sets-off, nor their consideration impeached; and all notes made payable at or discounted by the Bank of Louisville, shall stand on the same footing in law as bills of exchange.

Mr. Wickliffe moved to amend the said section, by striking out from the word "*buy*," printed in italics, to the word "*Provided*," also printed in italics.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Cunningham, Fleming, George, Gholson, Hardin, Murray, Murrell, W. Owsley, Payne, Taylor, Thompson, Wickliffe—14.

NAYS—Messrs. Beaseman, Beatty, Brown, Campbell, Churchill, Clark, Conner, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, James, H. Owsley, Parks, Rodman, Rudd, Sisk, Stephens, Thornton, Wingate, Wood—22.

And then the Senate adjourned.

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### MONDAY, JANUARY 21.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to revise and continue in force an act, entitled, "an act to establish the town of Vanceburg," approved January 24, 1827, and for other purposes.

An act further to improve the town of Princeton.

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act for the benefit of Jacob Miller, of Simpson county.

An act to regulate the fines and forfeitures in Mason county.

An act for the benefit of the clerk of the Garrard county court.

An act for the benefit of the heirs of Samuel Hournoy, deceased.

An act for the further relief and benefit of the administrator of Marcus D. Richardson, deceased.

An act for the benefit of David Short.

An act for the benefit of William May.

An act to change the places of voting in Everett's and Foreman's bottom precincts, in Lewis county.

An act to establish election precincts in the counties of Breckenridge and Hancock.

An act to amend the law giving compensation to witnesses, and to increase their mileage.

An act to amend the law concerning divorces.

An act to exempt additional property from execution.

An act for the benefit of Stephen Langford.

An act to provide for revising, digesting and abridging the statute laws of this commonwealth.

An act for the benefit of Henry Weddington and John Despoinet.

An act to incorporate the Falmouth Bridge Company.

An act to incorporate a Rail Road Company from Bardstown to Louisville.

An act to appoint additional justices of the peace in certain counties, and for other purposes.

An act to provide for the improvement of the roads in certain counties.

An act for the benefit of Daniel and Elizabeth Royalty.

An act to amend the act, entitled, an act to improve the navigation of Salt river, approved the 22d day of Dec. 1831; and

An act to amend an act, entitled, an act for the benefit of revolutionary soldiers.

And that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of William Davis, of Whitley county.

An act to amend the act, providing for opening and keeping in repair the highways in the county of Fayette.

An act for the benefit of William Butler, clerk of the Monroe county and circuit courts.

An act to appropriate a part of the vacant land lying between Walker's line and the latitude 36 deg. 30 min. North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, in Wayne county, to the state line, in a direction to Jacksboro' and to Barboursville.

An act providing for the copying and preserving certain record books belonging to the office of the surveyor of Harlan county.

An act appointing trustees to the Glasgow Academy.

An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.



An act for the benefit of the devisees of Richard Shanklin.

An act to enlarge and explain the powers of the trustees of the town of Frankfort.

An act to allow the sheriff of Madison to return his delinquent list in certain cases.

An act to authorise the Clarke circuit court to decree the sale of two and one-half acres of land, devised to William S. Downey and others; and

An act concerning the public library, and to provide for the election of a Librarian.

With an amendment to the latter bill.

And that they had concurred in the amendments proposed by the Senate to bills from that house, of the following titles, viz:

An act to incorporate the Franklin Insurance Company; and

An act to improve the road leading from Monticello, to the state line, in a direction to Monroe, Tennessee.

Mr. Hardin, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the appointment of clerks in vacation, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

A message, in writing, received from the Governor on the 18th instant, was taken up and read, as follows, viz:

EXECUTIVE DEPARTMENT, Jan. 18, 1833.

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Charlton Hunt, Esq. to be commissioned Mayor of the city of Lexington.

JOHN BREATHITT.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Mr. Wickliffe inform the Governor thereof.

The nomination of William M. Picket, as Lieutenant Colonel of the 73d Regiment, was taken up.

*Resolved*, That the Senate advise and consent to his appointment.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe—A bill to incorporate the Greenwich Academy; and

By Mr. Dougherty—A bill to provide pay for grand jurors, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the former, and the second reading of the latter

bill. having been dispensed with, the latter was referred to the committee of courts of justice; the former being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of David Short, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. H. Owsley—A bill to erect a house of public worship on the public square in Mount Vernon, and for other purposes; and

On the motion of Mr. Wingate—A bill to provide for the appointment of commissioners to view and mark a way for a road, from the state road leading from Lexington to Ghent, to the town of Frankfort.

Messrs. H. Owsley, W. Owsley and Beatty, were appointed a committee to prepare and bring in the former; and Messrs. Wingate, Churchill and Stephens, the latter bill.

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky.

Mr. Hardin moved to amend the said bill, by striking out from the latter part of the second section, after the words "Bank of Louisville," these words, viz: "shall not be subject to sets-off, nor their consideration impeached; and all notes made payable at; or discounted by, the Bank of Louisville, shall stand on the same footing in law as bills of exchange."

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Murrell, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Cunningham, Fleming, George, Gholson, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wood—16.

NAYS—Messrs. Beaseman, Beatty, Brown, Campbell, Churchill, Conner, Dougherty, Guthrie, Harris, Parks, Rodman, Rudd, Sisk, Stephens, Wingate—15.

On the motion of Mr. Guthrie, the said bill was passed over in the orders of the day.

A bill from the House of Representatives, entitled, an act to connect the towns of Newport and Covington with Cincinnati, by a bridge, was taken up.

Mr. Fleming moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fleming and Stephens, were as follows, viz:

YEAS—Messrs. Bibb, Campbell, Churchill, Conner, Fleming, Gholson, Griffith, Hardin, Marrell, H. Owsley, W. Owsley, Rudd, Taylor, Thompson, Wood—15.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Cunningham, Dejar-natt, Dougherty, George, Guthrie, Harris, Murray, Parks, Payne, Rodman, Sisk, Stephens, Thornton, Wickliffe, Wingate—19.

On the motion of Mr. Stephens, the said bill was passed over in the orders of the day.

The amendments reported from the committee of the whole house, to a bill to remove the obstructions to navigation at the falls of Green river, and for other purposes, were twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

A bill providing for settling the accounts with the keeper of the Penitentiary, was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed, and the blank therein filled,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The Senate insisted on the first and receded from the third amendment, proposed by them to a bill from the House of Representatives, entitled, an act to provide for laying the levy in certain counties, and for other purposes; and the committee of finance was appointed a committee of conference, on the part of the Senate, on the first amendment; and a message was sent to the House of Representatives, by the clerk, requesting the appointment of a committee on their part.

A bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Henry, was read the second time: and referred to a committee of Messrs. Rodman, Dougherty and Boyd.

A bill from the House of Representatives, entitled, an act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to authorise an additional sub-



scription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dougherty and Thornton, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Campbell, Churchill, Conner, Cunningham, Fleming, George, Griffith, Guthrie, Hardin, Harris, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—22.

NAYS—Messrs. Beaseman, Bibb, Dejarnatt, Dougherty, Gholson, James, Murray, Murrell, Rodman, Rudd, Sisk, Wood—12.

*Resolved*, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks, was read the third time.

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Thompson and Beatty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Conner, Cunningham, George, Gholson, Guthrie, Harris, H. Owsley, Parks, Payne, Stephens, Taylor, Thornton, Wickliffe, Wingate—17.

NAYS—Messrs. Beaseman, Brown, Campbell, Churchill, Dejarnatt, Dougherty, Griffith, Hardin, Murray, Murrell, W. Owsley, Rodman, Rudd, Sisk, Thompson, Wood—16.

*Resolved*, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements for Shelby county, was read the third time.

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Wingate, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Campbell, Churchill, Conner, Cunningham, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rodman, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wingate—25.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Murray, Murrell, Rudd, Sisk, Wood—8.

*Resolved*, That the title of the said bill be amended, by adding thereto "and for other purposes."

On the motion of Mr. Rudd, the vote was reconsidered rejecting a bill to amend the act incorporating the Bardstown and Louisville Turnpike Company.

The said bill was amended; and the question being taken on engrossing the same, and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Hardin, were as follows, viz:

YEAS—Messrs. Boyd, Churchill, Fleming, George, Griffith, Guthrie, Hardin, Harris, H. Owsley, Parks, Payne, Rudd, Stephens, Taylor, Thornton, Wickliffe—16.

NAYS—Messrs. Bibb, Brown, Conner, Dejarnatt, Dougherty, Gholson, Murray, Murrell, W. Owsley, Rodman, Sisk, Thompson, Wood—13.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

On motion leave of absence was granted to Mr. Wingate.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Ezekiel Taylor and Alcie Taylor, his wife.

An act to explain and increase the jurisdiction of justices of the peace, in relation to sums under five pounds.

An act to amend the 14th section of the act to reduce into one, the execution laws of this state.

An act to regulate the fines and forfeitures in Mason county.

An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to explain and amend the act of 22d December, 1831, on the subject of granting license to tavern keepers.

An act for the benefit of Susanna Brown; and

An act to dissolve the marriage contract between William and Pamela M. Parker.

Were severally read the first time; and the question being taken on reading them a second time, it was decided in the negative; and so the said bills were disagreed to.

A bill from the House of Representatives, entitled, an act for the benefit of John Barnes, a lunatic, was read the first time, as follows, viz:

Whereas, it is represented to this present General Assembly that John Barnes, of Pulaski county, who has been for many years a lunatic, has not sufficient estate for his subsistence: and that, owing to his old age and bodily infirmities, there is no ground for a reasonable hope that his mind will ever be restored: And whereas, the wife of the said Barnes, with sundry citizens, hath petitioned for aid from the public treasury for his support—Therefore,

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Pulaski county shall have full power and authority to make an allowance for the support of the said John Barnes, in the same manner and to the same extent as if he were found an idiot; and that the laws regulating the allowances made for the support of indigent idiots, shall be held to apply in all respects to the case of the said John Barnes.

The question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Beatty and Hardin, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, James, Rudd—4.

NAYS—Messrs. Brown, Churchill, Conner, Dejarnatt, Fleming, Gholson, Guthrie, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Stephens, Taylor, Thompson, Wood—18.

Preamble and resolutions from the House of Representatives, in relation to nullifying acts of Congress by a single State of the Union, were referred to the committee to whom was referred the message of the Governor received on the 22d ultimo.

A bill from the House of Representatives, entitled, an act for the benefit of the late sheriff of Grant county, and his securities, was read the third time.

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Dejarnatt, Dougherty, Fleming, Guthrie, Harris, James, Murray, Parks, Payne, Rodman, Rudd, Sisk, Stephens, Thornton—18.

NAYS—Messrs. Brown, Campbell, Churchill, Conner, Cunningham, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Taylor, Thompson, Wickliffe, Wood—16.

*Resolved,* That the title of said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordville and Bowlinggreen, to the state line, in the direction to Nashville, was read the third time as amended.

And the question being taken on the passage of the said bill as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Churchill, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Brown, Campbell, Churchill, Cuning-



ham, Gholson, Griffith, Guthrie, Hardin, Harris, Murray, Parks, Payne, Stephens, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Bibb, Conner, Dejarnatt, Dougherty, Fleming, George, James, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Sisk, Thompson, Wood—15.

*Resolved*, That the title of the said bill be amended, by striking out the words “by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen.”

Bills from the House of Representatives, entitled,

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act to amend the law giving compensation to witnesses, and to increase their mileage; and

An act for the benefit of Stephen Miller, of Simpson county.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill was dispensed with, and it was passed over in the orders of the day.

Bills from the House of Representatives of the following titles, viz:

An act to authorise the establishment of a library in Rockcastle, and for other purposes.

An act to amend the road law so far as respects the county of Mason.

An act to amend an act, organising a fire company in the town of Augusta.

An act to revive and continue in force an act, entitled, “an act to establish the town of Vanceburg,” approved January 24, 1827, and for other purposes.

An act further to improve the town of Princeton.

An act for the benefit of the clerk of the Garrard county court.

An act for the benefit of the heirs of Samuel Flournoy, deceased; and

An act to establish election precincts in the counties of Breckenridge and Hancock.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, viz:

1. An act for the benefit of the Augusta College.

2. An act for the benefit of Jesse Boyd.

3. An act to establish the town of Feliciana, in Graves county.

4. An act for the benefit of Agnes B. Berry and children.

5. An act to establish the town of Alexandria, in the county of Campbell, and for other purposes.

6. An act to incorporate the city of Maysville.

7. An act for the benefit of the infant heirs of Casper Hinton.

8. An act for the benefit of the children of Caleb Martin.

9. An act for the benefit of the infant heirs of Thomas Frazier, deceased.

10. An act for the further relief and benefit of the administrator of Marcus D. Richardson, deceased.

11. An act for the benefit of William May; and

12. An act to change the places of voting in Everett's and Foreman's bottom precincts, in Lewis county.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed; the first, second and tenth, to the committee of finance; the third, to a committee of Messrs. James, Churchill and Thompson; the fourth, fifth, sixth, seventh, eighth and ninth, to the committee of courts of justice; the eleventh, to the committee of religion; and the twelfth, to a committee of Messrs. Conner, Taylor and Thornton.

And then the Senate adjourned.

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*TUESDAY, JANUARY 22.*

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills from the Senate, of the following titles, viz:

An act for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.

An act for the benefit of the legatees of Richard Allen, deceased.

An act for the benefit of William Cecil and Benedict Morehead.

An act further to regulate the town of Springfield, in Washington county.

An act to protect the actual settlers in the land district West of the Tennessee river.

An act to authorise the clerks of the county courts of Hopkins, Hancock and Union, and the circuit court of Harrison, to transcribe certain record books in their respective offices.

An act for the benefit of the estate of Henry Ditto, jr.

An act to enlarge the town of Madisonville.

An act concerning the town of Henderson, and for other purposes.

An act to amend the laws concerning Transylvania University.

An act for the benefit of the representatives of James Honaker, deceased.

An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.

An act to legalise the proceedings of the court of assessment of fines, of the 20th Regiment, Kentucky Militia.

An act to authorise the Bourbon county court to levy a tax on the lands of the county.

An act for the benefit of the heirs of John Nalle, jun.

An act for the benefit of James Blincoc's heirs.

An act for the benefit of Benjamin Tobin.

An act to establish election precincts in Woodford, Graves, Whitley and Henderson counties.

An act authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave.

An act to amend an act, entitled, an act to incorporate the city of Lexington.

An act for the benefit and relief of Eleanor Jewell.

An act for the divorce of Mary Richardson.

An act to appoint trustees to the Washington Academy.

An act for the benefit of the clerk of Perry county; and

An act to permit the trustees of Columbus to allow mills and a warehouse to be built in the commons of said town.

And that they had disagreed to a bill, which originated in the Senate, entitled, "an act to amend an act approved December 10th, 1822, for the establishment of a state road from Lexington to Ghent, on the Ohio river.

And the passage of a bill, which originated in that house, entitled, an act authorising the sale of the slaves of infants.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Augusta College, reported the same with a recommendation that it ought not to pass.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. James, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Feliciana, in Graves county, reported the same with amendments; the said bill and amendments were referred to the committee of courts of justice.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to legalise the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.

An act to establish a road from Louisville to the state line, in a direction of Knoxville.



An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

An act prescribing the mode for vacating judgments recovered against, or in favor of, deceased persons.

An act authorising the several county courts of this commonwealth, to permit gates to be erected on certain public roads.

An act for the benefit of Daniel M. Kittinger.

An act for the benefit of Morgan Forbes' heirs and Clark McFee's heirs,

An act for the benefit of the Barboursville Seminary, in Knox county.

An act for the benefit of David Short.

An act to change the place of voting in the Claysville precinct, in Harrison county.

An act changing the boundary lines of the 72d Regiment, K. M.

An act for the benefit of Sally Spillman.

An act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties.

An act to authorise the sale of a street in Russellville; and

An act for the benefit of Vachel Welden, jailor of Bracken county.

And that the said bills had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Boyd—1. A bill to amend the act, entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.

By Mr. Parks—2. A bill to extend the powers of the road commissioners of Bracken county.

By Mr. Hardin—3. A bill for the benefit of the Lexington and Ohio Rail Road Company.

By Mr. H. Owsley—4. A bill to erect a house for public worship in the town of Mount Vernon, in Rockcastle county; and

By Mr. Brown—5. A bill to repeal in part and amend the act incorporating the Lexington, Chilesburg and Winchester road company.

Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the third and fifth bills, and second and third readings of the first and fourth, having been dispensed with; the third was referred to the committee of the whole house, on the state of the commonwealth, for to-morrow; the fifth was ordered to be en-

grossed, and read a third time to-morrow; the first and fourth being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Harris, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that house, entitled, an act allowing an additional justice of the peace to the county of Bath, and for other purposes.

On the motion of Mr. Guthrie, the vote was reconsidered advising and consenting to the appointment of William M. Pickett, as Lieutenant Colonel of the 73d Regiment.

The message, in writing, received from the Governor on yesterday, was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I respectfully ask leave to withdraw the name of *William M. Pickett*, heretofore nominated as Lieutenant Colonel of the 73d Regiment: and to nominate, for your advice and consent, *Willis M. Pickett*, to be commissioned Lieutenant Colonel of said Regiment.

JOHN BREATHITT.

*January 21st, 1833.*

*Resolved*, That the Senate advise and consent to the appointment of the said Willis M. Pickett, as Lieutenant Colonel of the 73d Regiment.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

Mr. Beatty announced to the Senate the death of Simeon Creel, Esq. who was elected a member of the Senate from the counties of Adair, Casey and Russell, and moved that a writ of election issue to fill the said vacancy; the said motion was referred to the committee of privileges and elections.

On the motion of Mr. George, leave was given to bring in a bill to improve the South fork of Kentucky river, from its junction with the North fork to Goose creek salt works; and Messrs. George, W. Owsley and Beatty, were appointed a committee to prepare and bring in the same.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act concerning the public library, and to provide for the election of a Librarian, was twice read and concurred in.

A bill from the House of Representatives, entitled, an act for the benefit of Jacob Miller, of Simpson county, was referred to the committee of finance.

A bill from the House of Representatives, entitled, an act to amend the law concerning divorces, was read the first time, as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of*

*Kentucky*, That hereafter all suits for divorces shall be docketed, and stand for trial next after attachments in civil cases, in the several courts in which they may be pending.

*Be it further enacted*, That pregnancy in a female, before and at the time of her marriage, by any other person than her husband, shall be good cause for granting a divorce in favor of the husband: *Provided* it shall appear, that the husband withdraw from all connexion with his wife on such pregnancy coming to his knowledge.

*Be it further enacted*, That the judge of any court, before whom a suit shall be pending for a divorce, may, at his discretion, order a trial by jury to ascertain any facts alleged by either party; and in such cases testimony *ore tenus* shall be allowed. But depositions may be taken and read as heretofore; and no divorce shall, in any case, be granted, except on satisfactory proof of the facts charged and relied on as grounds for the same: notwithstanding said facts may be admitted by the answer of said defendant, or where the defendant may fail to answer.

*Be it further enacted*, That a confirmed habit of drunkenness in either party, shall be a good cause of divorce in favor of the other, *provided* the cause did not exist at the time of marriage.

*Be it further enacted*, That adultery on the part of the husband or wife shall be good cause for divorce: *Provided*, that the party so injured shall forthwith, on the discovery of the injury, abstain from all further cohabitation with the other.

And the question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Hardin and Beatty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Dejarnatt, Fleming, Harris, James, H. Owsley—7.

NAYS—Messrs. Beaseman, Boyd, Brown, Campbell, Churchill, Dougherty, George, Gholson, Griffith, Guthrie, Hardin, Murray, Murrell, W. Owsley, Parks, Payne, Rodman, Rudd, Sisk, Stephens, Taylor, Thompson, Thornton, Wickliffe, Wood—25.

A bill from the House of Representatives, entitled, an act to exempt additional property from execution, was read the first time.

And the question being taken on reading the same a second time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and George, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Campbell, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Harris, James, Murrell, Rodman, Rudd, Sisk, Stephens, Thompson—19.



NAYS—Messrs. Beatty, Boyd, Brown, Fleming, George, Hardin, H. Owsley, W. Owsley, Parks, Payne, Taylor, Thornton, Wickliffe, Wood—14.

Bills from the House of Representatives of the following titles, viz:  
An act for the benefit of Stephen Langford; and

An act to appoint additional justices of the peace in certain counties, and for other purposes.

Were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the latter being amended,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, viz:

1. An act to provide for revising, digesting and abridging the statute laws of this commonwealth.

2. An act for the benefit of Henry Weddington and John Despoinet.

3. An act to incorporate a Rail Road Company from Bardstown to Louisville.

4. An act to provide for the improvement of the roads in certain counties.

5. An act to amend an act, entitled, an act for the benefit of revolutionary soldiers; and

6. An act authorising the sale of the slaves of infants.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed; the first, second, fourth and fifth, to the committee of finance; the third to the committee of internal improvements; and the sixth to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act to incorporate the Falmouth Bridge Company, was read the first time, and ordered to be read a second time.

Mr. Dougherty moved to dispense with the rule of the Senate, constitutional provision, and second reading of the said bill.

And the question being taken thereon, it was decided in the negative: four-fifths not having voted therefor.

The yeas and nays being required thereon, by Messrs. Fleming and Parks, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Cunningham, Dejarnatt, Dougherty, George, Guthrie, Harris, Murray, H. Owsley, Rodman, Sisk, Stephens, Taylor, Thompson, Wood—18.

NAYS—Messrs. Beaseman, Beatty, Campbell, Churchill, Fleming, Ghosson, Griffith, Hardin, James, Murrell, W. Owsley, Parks, Payne, Thornton, Wickliffe—15.

Bills from the House of Representatives, entitled,  
An act for the benefit of Daniel and Elizabeth Royalty; and  
An act to amend the act, entitled, an act to improve the navigation of Salt river, approved the 22d day of Dec. 1831.

Were each read the first time, and ordered to be read a second time.

A bill from the House of Representatives, entitled, an act to authorise the appointment of clerks in vacation, was read the third time as amended.

*Resolved*, That said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

Bills from the House of Representatives, entitled,  
An act to amend the law giving compensation to witnesses, and to increase their mileage; and

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

Were each read the second time, and ordered to be read a third time.

An engrossed bill, entitled, an act to remove the obstructions to navigation at the falls of Green river, and for other purposes, was read a third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dougherty and Payne, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Campbell, Clark, Cunningham, Fleming, Gholson, Griffith, Guthrie, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Sisk, Stephens, Taylor, Thornton—23.

NAYS—Messrs. Beaseman, Churchill, Dejarnatt, Dougherty, George, Hardin, Rodman, Rudd, Thompson—9.

*Resolved*, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to amend the act incorporating the Bardstown and Louisville Turnpike Company, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gholson and Murrell, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Campbell, Churchill, Clark, Cunningham, Fleming, George, Gholson, Guthrie, Hardin, Harris, H. Owsley, Parks, Payne, Rudd, Stephens, Taylor, Thornton, Wickiiffe—20.

NAYS—Messrs. Beaseman, Bibb, Brown, Dejarnatt, Dougherty, Griffith, James, Murray, Murrell, W. Owsley, Rodman, Sisk, Thompson, Wood—14.

*Resolved*, That the title of said bill be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, JANUARY 23.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, of the following titles, viz:

An act to allow an additional justice of the peace and costable to the county of Washington, and an additional justice of the peace for the county of Shelby.

An act authorising the building of an arsenal for the security and preservation of the public arms; and

An act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county.

That they had adopted resolutions in relation to the road leading from Lexington through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy.

That they adhered to their disagreement to the first amendment proposed by the Senate to a bill from that house, entitled, an act to provide for laying the levy in certain counties, and for other purposes.

And that they had concurred in the resolution from the Senate, fixing a day for the adjournment of the Legislature; and also, the resolution fixing a day for the election of public officers; with amendments to each.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act to establish the town of Alexandria, in the county of Campbell, and for other purposes.

An act for the benefit of Agnes B. Berry and children; and

An act for the benefit of the children of Caleb Martin.

Reported the same, with their opinion that the said bills ought not to pass.

The first was passed over in the orders of the day; and the question being taken on reading the two latter bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. W. Owsley, from the same committee, to whom was referred a bill to provide pay for grand jurors, and for other purposes, reported the same, with their opinion that it ought not to pass.

The said bill is as follows, viz:

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this law, each person who shall serve as a grand juror, in any county in this commonwealth, shall be allowed for his services seventy-five cents per day, for each and every day he shall serve as such, to be paid out of the county levy; and to enable such juror to receive the



same, it shall be the duty of the clerk of the circuit courts, without fee, to grant to each juror so serving a certificate thereof, which certificate shall be assignable, and shall be receivable by the sheriff of the county, in which such services shall be rendered, in discharge of so much of any county dues by the holders thereof, and which shall be allowed to such sheriff in his settlement with the court.

Sec. 2. *Be it further enacted*, That it shall be the duty of the clerk of the several circuit courts in this commonwealth annually, within one week after the close of the fall terms of their courts, to file in the office of the clerk of the county courts a list of the names of each grand juror, and the number of days he shall have served during the year, which shall be laid before the county court at their court of assessment, or, if that shall be passed, at the next county court, to enable said court to levy the same, which, by said court, is authorised to be collected as other levies of the said county.

Sec. 3. *Be it further enacted*, That each petit juror who shall hereafter be sworn as such, in any civil cause hereafter to be brought, in any circuit court in this commonwealth, shall be allowed seventy-five cents for each day he shall serve as such, to be paid as hereinafter provided for.

Sec. 4. *Be it further enacted*, That for the purpose of raising a fund for the paying of petit jurors, the following tax shall hereafter be required and paid: an original process on each writ or summons in covenant, debt or petition, where the amount sued for is one hundred dollars or under, fifty cents, and for each additional hundred dollars claimed in such writ or petition, twelve and one-half cents; on each original bill or notice, on which judgment is prayed for money, there shall be paid, when the amount in controversy is one hundred dollars or under, fifty cents, and for each additional hundred dollars, twelve and one-half cents; on each original writ in actions of contract not in writing, and of actions in tort, trover, replevin and detinue, damages laid by the plaintiff in his declaration, where the amount shall be one hundred dollars or under, fifty cents, and for each additional one hundred dollars laid by such plaintiff, the further sum of six and one-fourth cents; on all real actions for land, whether writs of right, ejectment, or other, the sum of two dollars; and for every bill in chancery, praying and obtaining an injunction, fifty cents, and twelve and one-half cents in addition for each hundred dollars; and for every other bill in equity, with *ne exeat*, restraining order, or for other purposes, the sum of one dollar; which said several sums, as tax, shall be paid to the clerk of the court by the plaintiff demandant or complainant, as the case may be, on suing out such process, or filing such motion or notice thereof; and to enable the clerk to ascertain the tax to be paid on process, in such actions of contract not in writing, and of action in tort, trover, detinue and replevin, the plaintiff shall endorse on his declaration

the amount in damages claimed in such suit, and the value of the property claimed in such actions of trover, detinue and replevin.

Sec. 5. *Be it further enacted*, When any jurymen shall serve under the provisions of this act, he shall not receive compensation therefor unless he shall serve the whole day if the business of the court require it.

Sec. 6. *Be it further enacted*, That no juror shall be allowed compensation for a greater period than one day after they retire to the jury room to enquire of their verdict.

And the question being taken on engrossing and reading the said bill a third time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Dougherty and Fleming, were as follows, viz:

YEAS—Messrs. Dougherty, James, Payne—3.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Churchill, Clark, Cunningham, Dejarnatt, Fleming, George, Holson, Griffith, Guthrie, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rodman, Rudd, Taylor, Thompson, Thornton, Wood—27.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the infant heirs of Thomas Frazier, deceased, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act concerning the town of Adairsville; and

An act for the benefit of the infant heirs of Casper Hinton.

Reported the same with amendments to each; which were twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. W. Owsley, from the same committee, reported a bill further to enlarge the powers of the town of Lexington; and

Mr. Guthrie, from the same committee, reported a bill for the benefit of the devisees of John Brannigan.

The said bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and

third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the city of Maysville, reported the same with an amendment; which was twice read and concurred in; the said bill was further amended, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, agreeably to order, had under consideration the petition of O. H. Stout and sundry citizens of the town of Carlisle, praying that said Stout shall be permitted to keep his porch in one of the streets of said town, and the remonstrance of Lewis H. Arnold against the same. The committee think the matter in difficulty rests entirely with the trustees and inhabitants of Carlisle, and pray to be discharged from the further consideration thereof.

The said committee was thereupon discharged.

Mr. Guthrie, from the same committee, made the following report, viz:

The committee have also had under consideration the petition of two hundred and seventy voters of the county of Fleming, praying that the precinct at Markwell's and the precinct at the Poplar Plains be consolidated, and the place of voting should be at Hillsborough, and the remonstrance of one hundred and seventeen of the voters of said county against the prayer of the petition, and have come to the conclusion that public convenience does not require the consolidation of the two precincts; and in accordance with the further prayer of the petitioners they report a bill.

Mr. Guthrie, from the same committee, reported a bill in relation to the election precincts in the county of Fleming; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended.

And the question being taken on engrossing the said bill, and reading it a third time, it was decided in the negative; and so the said bill was rejected.

Mr. Wood, from the committee of religion, to whom was referred bills from the House of Representatives, entitled, an act for the benefit of Stephen Marcum; and an act for the benefit of Flora N. C. Harding; reported the same without amendment.



*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Stephen and Caty Sampson, reported the same with their opinion that it ought not to pass.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate a Rail Road Company from Bardstown to Louisville, reported the same without amendment.

Mr. Wickliffe moved to amend the said bill, by adding thereto the following proviso, viz: *Provided, however*, That nothing in this act shall be so construed as to repeal or impair the charter granted to the Lexington and Ohio Rail Road Company.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wickliffe, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Campbell, Churchill, Clark, Conner, Cunningham, Dougherty, Fleming, George, Gholson, Griffith, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Sisk, Taylor, Thompson, Thornton, Wickliffe—28.

NAYS—Messrs. Dejarnatt, Guthrie, Hardin, Rud.<sup>l</sup>, Wood—5.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Clark, from the same committee, to whom was referred the resolutions read and laid on the table by Mr. Beatty, on the 20th ultimo, reported the same with an amendment; which was twice read and concurred in.

The said resolutions were then adopted, as follows, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That our Senators in Congress be instructed, and our Representatives requested, to apply for, and use their best exertions to obtain, an appropriation from the general government, for the purpose of opening and improving the navigation of the Cumberland river, from the mouth of Laurel river downwards, and also for the opening and improving the navigation of the Kentucky river.

*Be it further resolved*, That the Governor of this state be requested

to send copies of this resolution to our Senators and Representatives in Congress.

Mr. Clark, from the same committee, reported the following resolutions, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives be requested, to apply for, and use their best exertions to obtain, an appropriation from the general government, for the purpose of opening and improving the navigation of the Green river and Big Barren river in the state of Kentucky.

*Be it further resolved,* That the Governor of this state transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The said resolutions were twice read and adopted.

The following message was received from the Governor, by Mr. Sanders, Secretary of State.

*Mr. Speaker*—I am directed by the Governor to return to the Senate, in which they originated, the enrolled preamble and resolutions, entitled, “A preamble and resolutions relative to the Public Lands, and the Bank of the United States, and the Deposits of the Treasury,” with his objections thereto in writing.

And then he withdrew.

The said preamble, resolutions and objections, were then taken up, and are as follows, viz:

WHEREAS, the President of the United States, in his message to Congress on the second day of the present session, suggested the propriety of the government of the United States surrendering to the new States, respectively, all the waste and unappropriated land within their limits: the same policy would lead to a surrender of the public domain in the Territories, whenever they should come into the Union as States.

It becomes necessary for the other States to enquire into and investigate the justice of such a measure; and, to do that, the first question for consideration is, how did the government of the United States become invested with the public lands? The history of the title is this:—By the definitive treaty of peace with Great Britain, in 1783, the boundaries of the United States and their Territories are defined. The right and title of Great Britain to any of the waste lands within those defined limits, were the joint purchase of the people of the United States, and for their common interest and benefit. The consideration paid was, the treasure of the people, and the best blood of the land. A number of the old thirteen States had claims to land lying North of the Ohio, East of the Mississippi, and South of the Lakes; these claims were surrendered to the United States, to be held by her for the common good and benefit of all.

The United States purchased Louisiana of the government of France, for the sum of fifteen millions of dollars; the money paid was the common property of all the States. The lands within the now States of Mississippi and Alabama were, in 1802, purchased of Georgia by the United States. The consideration given, was one million two hundred and fifty thousand dollars, and at the expense and cost of the United States, to extinguish the Indian title to the lands within the limits of Georgia. Subsequent to the cession of the land by Georgia, the Yazoo Company and Tennessee Company set up claim to a great part of the land ceded by Georgia; the foundation of the claim of these companies was, a corrupt bargain and cession of said land by Georgia to them, before the cession made to the United States. Congress declared the claim of the Yazoo and Tennessee companies void, on account of the corruption and bribery practised by those companies in obtaining the grant. The dispute was subsequently decided by the Supreme Court of the United States in favor of the validity of the claim; a compromise took place, and the United States paid five millions of dollars for their claims. The whole sum paid for that land is not less than ten millions of dollars. Out of these transactions has the unfortunate controversy grown up between the United States and Georgia; that State demanding a speedy extinguishment of the Indian title, which the United States have not been able to effect. For Florida the United States paid Spain five millions of dollars; and about ten millions have been paid to the Indians for the extinguishment of their title; making in all, of money paid, about forty millions of dollars.

When the title is thus derived, is not the vacant land, in the new States and Territories, common property? Have they not been paid for with the blood and treasure of all the people of the States? And when the public debt is paid off and extinguished, for the payment of which they were pledged by Congress, if not then retained to defray, in part, the ordinary expenditures of the government, ought not the proceeds, after paying the cost of surveying, selling, &c. be divided among the States? Surely every man must answer these questions in the affirmative.

What claim have the new States to the land within their limits? By the compact made by each State with the United States, upon obtaining permission to become a State, it is expressly stipulated that the United States shall own and sell, at will and pleasure, the public lands. This article in the compact is a fundamental part of their constitution, being accepted and ratified in convention.

It is alleged by some, that this article in the compact interferes with



the great and unalienable right of sovereignty, and is therefore void. There is nothing in this point. The United States was competent to make such a contract, and so were the States. It is a fit subject of contract between governments: as much as that of Louisiana, between France and America, and the cession of Florida, by Spain, to the United States. The constitutionality and validity of this article, in the compacts with the new States, have been virtually recognized by the courts of the Union and of the States, in their adjudication upon lands patented by the President.

In point of justice, what claims have the new states to the land? The answer is, surely—none. In the compacts made with the government of the United States, they have obtained already one sixteenth part for schools, and five per centum upon the sales of the residue, for roads and canals, making about one eighth part. These donations were bounties, and not based on the principles of justice. When, in addition to that, the new states obtain their proportion of the residue, according to federal numbers, justice and liberality will have been meted out to them with an overflowing measure, and with which they and the President ought to be satisfied.

As it respects Kentucky, she has had no part of the public money—no part of the public lands: her people are the hewers of wood and drawers of water. It may be asked, is it her interest to sit by, and tamely surrender her right in the public lands, because the new states may require it, and a President may will it? Every man, who has the interest of his state at heart, will answer, no. Let it be asked, what would be the amount of the interest of Kentucky in the public lands, when distributed according to federal numbers? The answer is, not less than ten millions of dollars; which sum, judiciously laid out, as annual distributions should be made, would clear out the obstructions in her rivers, and make them navigable, turnpike her roads, and endow her schools, seminaries, colleges and universities, and render the country rich, by the circulation of the money among the people for their work, provisions, &c. Wherefore,

1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the public lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore, the Congress of the United States ought not to cede such lands to such states, or any of them; or to appropriate such lands for any purpose whatever, but in behalf, and for the benefit, of the people of all the States.

2. *Resolved*, That, so soon as the national debt is paid off, all moneys

arising from the sales of the public lands, after defraying the expenses incident to the sales, ought to be distributed among the several states according to the federal numbers of each state.

3. *Resolved*, That the General Assembly of the state of Kentucky deem a Bank of the United States, so constituted and organized as to secure to the nation the maintenance of a sound currency, indispensable to the prosperity of the country, and that the nation cannot dispense with such a Bank, without a certain prospect of private and public distress; and, therefore, instruct their Senators, and request their Representatives in the Congress of the United States, to use all just and constitutional means, to sustain the Bank of the United States, in its credit and usefulness, and in all its rights and privileges, under its charter; and do further instruct their Senators, and request their Representatives, to use their best endeavors to procure, and that they vote for, the passage of an act of Congress rechartering said Bank.

4. *Resolved further*, That the General Assembly of the state of Kentucky have seen with surprise, and view with regret, the efforts made to embarrass the Bank of the United States in its operations, and to force, unnecessarily, the Bank to withdraw its funds from circulation and to reduce its discounts, to the great oppression of its debtors, and to the injury of every branch of trade and labor.

5. *Resolved*, That the General Assembly of the state of Kentucky highly disapprove all efforts to destroy the credit and standing of the Bank of the United States, by representing or insinuating, that said institution is insolvent, and that it was no longer safe to make the public deposits in said bank or its branches; thereby, injuring not only the credit of the Bank, but seriously affecting the interests of individual stockholders, and the labor and industry of the country.

6. *Resolved further*, That this General Assembly condemns the effort of the President of the United States and the Secretary of the Treasury, in their attempts to place the public funds into private or state Banks instead of the National Bank, as tending greatly to endanger the safety of the public funds, to increase (injuriously to the public,) the power and patronage of the President and said Secretary, and as ruinous to public confidence and the safety of a national currency.

7. *Resolved, therefore*, That we instruct our Senators, and request our Representatives in Congress, to use all lawful and constitutional means to prevent the public deposits from being withdrawn from the Bank of the United States, and placed in private or state Banks, or elsewhere, at the discretion of the President, or said Secretary, of the United States.

8. *Resolved*, That, in the opinion of this General Assembly, an institution, such as is proposed by the President of the United States in his annual message of 1830—that is to say, a “National Bank,” founded “on the credit of the government and its revenues”—would be a dangerous institution, calculated to enlarge the powers of the executive department, and put to hazard the best interests of the people of the United States.

9. *Resolved*, That copies of the foregoing resolutions be forwarded, by the Governor, to the Executives of the several states, with a request that they lay the same before the Legislatures of the states respectively; also, a copy to each of our Senators and Representatives in the Congress of the United States, with a request that they lay the same before each branch of the National Legislature.

EXECUTIVE DEPARTMENT,  
*January 23<sup>d</sup>, 1833.* }

*Gentlemen of the Senate—*

A preamble and resolutions relative to the public lands, the Bank of the United States, and the deposits of the Treasury, have been presented to me for consideration. I have given to them that attention, which the source whence they emanated justly demands; and notwithstanding my extreme regret, that a difference of opinion should exist between a majority of the Legislature and myself, I am impelled by a sense of duty, and in justice to the opinions I entertain, to withhold my signature of approval to the preamble and resolutions aforesaid, and herewith return them to the Senate, in which they originated, with my objections.

The preamble, and the first and second resolutions, are devoted to the subject of the public lands, and whilst I discover in them much to approve, they do not entirely meet my views. That the lands belong to the whole American people is certainly true. That they are subject to the control of the government of the United States is also admitted; nor has the President, in his message alluded to in the preamble, signified a different opinion. After adverting to the fact, that the states had ceded their lands to the general government, “for the purposes of general harmony and as a fund to meet the expenses of the war,” he remarks, “as the lands may now be considered relieved from this pledge; the object for which they were ceded having been accomplished, it is in the discretion of Congress, to dispose of them in such way, as best to conduce to the quiet, harmony, and general interest of the American people.” Here, then, is a distinct recognition of the principle, that the public lands belong to the whole United States—that Congress, in acting upon the



subject, should do so with a view to the quiet, harmony and general interest of the American people, and the subject is referred expressly to the consideration of the representatives of the nation.

What propriety was there in the suggestion in the preamble as follows? "It may be asked is it her (Kentucky's) interest to sit by and tamely surrender her right in the public lands, because the new states may desire it, and a President may will it?" The subject of the public domain is an important one, and in respect to the disposition of which, there is great diversity of opinion. The government has paid a considerable sum therefor, but has received more than has been expended. The land was first put into market at two dollars an acre, but has been reduced to one dollar and twenty-five cents, and as it has been in market a considerable time, the best lands no doubt have been sold, and hence, the propriety of a reduction of the price of those remaining. The policy of our government should be to afford facilities to the acquisition of land by its citizens. The individual who is lord of the soil, feels independent, and identified with the interests of the country: his interest, as well as his patriotism, is appealed to. In proportion as these facilities are given, population advances, and extends itself throughout the country, the resources of the government increase, agriculture prospers, and the people are happy. Whilst, then, I would have a reasonable price for the public lands, I would not make *that* the only consideration in the disposition of them. Such, was the policy of our own state, with a considerable quantity of vacant lands. She first sold them at thirty dollars, then at forty, per hundred acres, then at twenty, ten, and five; the consequence was, nearly all the vacant lands have been sold, and the state has increased in numbers in a great degree. Instead of having a population, in part, of rich land holders and the balance tenants, the country has been divided into small tracts, and most generally, the citizens are freeholders, or have the power to be so. That which was good policy in our own state cannot be the less so, if practised by the general government. The extent of the reduction of price, I would leave to the constituted authorities of the nation. That it is a subject well calculated to produce excitement in the states, where the lands lie, no one can doubt; it should therefore be managed with prudence, "in such a way as best to conduce to the quiet, harmony, and general interest of the American people."

The second resolution proposes a distribution of the proceeds of the sales of the public lands, among the several states according to the federal numbers. The preamble and first resolution declare, that those lands belong to the whole nation—the proceeds of course should

go into the national treasury, as revenue. I do not, Gentlemen, perceive the propriety of selecting a particular class or source of revenue, and of directing *it* to be divided among the several states. The mode is unknown to the fiscal operations of the general or state government. Let the money arising from the sales of the public lands, go into the treasury, *and if* there be a surplus in the whole revenue, after providing for the necessary demands of the government, let *that* be distributed among the states. Suppose a law was passed, directing a distribution of a particular fund among the states, and it should so happen, that there was a deficit in the treasury; the people would have to be taxed to make it up; what then would they gain? Not any thing. Additional burthen would be the consequence, commissions and loss in the collection. Why distribute, if it must be returned back again, in the way of taxes?

The mode assumed in the resolution is extraordinary and unknown to the practice of any individual in the management of his own affairs. If one has many sources of receipts, will he keep them all separate, make distinct appropriations of a particular source to this object, of another class, to another purpose? Certainly not. He will bring them all into a general fund, make his necessary disbursements, and if he has any thing left, dispose of it as he may deem most conducive to his interest. I am gratified to discover, that the *principle* of distribution has been recognized. Whenever it shall happen that there be a *surplus* in the revenue, it is infinitely better that it be distributed among the states, and be by them appropriated to objects of internal improvement or education, than that Congress should have the disbursement of it. There would then be no controversies between states—no complaint that one state obtained more than its share—the rule would be fixed, certain and equal—each would obtain its just dividend. I would not however *produce* a surplus, merely for the purpose of distributing it among the states. Taxation, whether direct or indirect, should be as light as possible, having due regard to the proper wants and exigencies of the government. But the amount of revenue depends upon so many contingencies, that it is difficult to fix it at a given sum, so that, in all probability, there will be, after the payment of the public debt, occasionally, a surplus in the revenue—let that be distributed among the states.

The third resolution relates to the Bank of the United States, as it now exists, and instructs our Senators, and requests our Representatives, to use their best endeavours to procure, and that they vote for the passage of an act of Congress rechartering said Bank.

I cannot subscribe to a request that the Bank of the U. States be rechar-

tered, as it at present exists. I desire, as much as any one, to have a good currency; nor do I regard it as essential to that object, that the present charter should be renewed in its present shape. I am decidedly of opinion, that foreigners should not be permitted to hold stock in said Bank. It is known that they hold more than eight millions of the capital at present. The renewal of the charter would greatly increase the price of their stock; the business of banking is profitable, and our own citizens should have the preference over those of other countries. When we speak of a Bank of the United States, let it be one of American citizens in fact, not one to a considerable extent owned by foreigners. Money has its influence, find it where you will; that Banks have a powerful influence upon the country, no one, *at this day*, will deny. It is good policy then to get rid of that portion of the stock owned by foreigners. Besides the payment of the dividends in London, on so large a portion of the stock, tends to the withdrawal of a large sum in specie, annually, say five hundred and seventy thousand dollars. To that fact we may, in part, attribute the transportation of so large a quantity of specie from the western states to the principal Bank at Philadelphia, and thence to Europe. In looking into that subject, we find that twenty two millions five hundred and twenty three thousand three hundred and eighty seven dollars of specie were drawn from the southern and western branches, since 1820, to the Bank of the United States and New York, and that only eight hundred and ninety six thousand four hundred and seventy two dollars were *sent* to those branches since 1819. From the branch at Louisville alone, there has been taken to the Bank at Philadelphia, the following sums:

In 1824, \$13,970.	In 1828, \$100,000.
" 1825, 200,000.	" 1829, 222,808.
" 1826, 250,000.	" 1830, 130,000.
" 1827, 199,992.	" 1831, 180,000.

Amounting in eight years to the sum of one million two hundred and ninety-six thousand seven hundred and seventy dollars from the state of Kentucky!!! I do not deem it necessary to go into detail as to the sums abstracted from the other western branches; I desired to bring the subject as near *home* as possible, that we might, in some degree, account for the scarcity of the precious metals in our own state. *One million two hundred and ninety-six thousand seven hundred and seventy dollars have been taken in specie from the branch at Louisville, by the order of the principal bank, to Philadelphia, in eight years!!!* We find, also, that since 1819 there have been exported in specie to England \$2,598,357, to France \$2,257,398, making the sum of four millions eight hundred and fifty-five



thousand seven hundred and fifty-five dollars. In the year 1831 there was sent to the same places, the sum of \$1,302,000. It will, also, be discovered that the Bank has been engaged in the business of *selling* specie for a premium, to the amount, since 1817, of \$5,184,000; the premium received amounts to \$97,140. Do we not in all this discover something of foreign influence—of foreign interest? Why withdraw from Kentucky and the west so large a quantity of specie, and send so large an amount to Europe, to pay the dividends due foreign stockholders, and to be sold because it produced a *premium*? Such a course of things would, if followed up, ruin any country. Sound policy dictates that we should retain as much specie within our own state and country as possible, and forbids that we should furnish facilities for its transportation abroad. The course of the present Bank of the United States has been shewn in relation to that important matter; I cannot, therefore, say to them, go on—your charter shall be renewed—drain the west of the precious metals—withdraw from Kentucky \$1 3,000 in gold or silver annually, *and* send millions to Europe as merchandise, because a little more profit may be made on it there than *at home*. Our own American citizens have capital in abundance. At the last session of Congress a memorial was presented and rejected, asking a charter for a Bank of fifty millions capital, the stock to be owned exclusively by American citizens, and for which they were willing to pay \$700,000 annually, during its continuance, and submit to a tax in the states where it might establish branches—more than four times as much as the *bonus* in the bill of last session, which was vetoed by the President. The payment of so large an amount of the public debt within the last few years, has had a tendency to increase the circulation of money in the eastern states. Millions would be invested in Bank stock, by the people of the union, if an opportunity was offered—*should they not have the preference?*

It is known that efforts have been made in several of the states to tax the branches of the Bank of the United States within their jurisdiction, but failed; the supreme court having decided that such laws were unconstitutional. In our state, by recurring to the statute book, it will be found that in 1818 a law passed imposing a tax upon the branches within our limits, but it was of no avail; its execution was inhibited by the mandates of the federal judges, and it remains *only* to be read—without any efficacy. I am of opinion, that Bank stock is as fit a subject for taxation as any other; such has been the opinion of the Legislature of this, as well as other states. The stock of the Bank of Kentucky was taxed fifty cents on each share of \$100; the stockholders of the state Bank of Tennessee, lately chartered with a capital of three millions, (all of

which has been taken,) are required to pay a tax of one dollar on each share: our merchants are taxed, our lands, horses, and various other articles of property, are assessed and taxed, besides other modes of an indirect character. But, behold! as the matter now stands, the capital of the Bank of the United States, used in Kentucky, amounting to \$1,250,000, pays not one cent of tax to the state. Suppose the United States' Bank stock in the two branches in Kentucky, was taxed to the same extent as the stock of the Bank of Kentucky was, it would place in the treasury of our own state, annually, the sum of \$11,125, and would have produced, during the time they have existed, the sum of \$160,000, more than equal to the present deficit in our state treasury. And who, I ask, are they that have profited by this peculiar favor—this exemption from taxation? Not our own citizens, (for they own only \$25,000 of the stock of said Bank,) but the wealthy brokers of London—worth millions. Baring, Brothers, & Co. who own \$791,500 of the stock; Sir Wm. Keith Ball, who owns \$30,000; Sir Collin Campbell, and Sir R. Hunter, who own \$37,000; the most Honorable C. S. Conway, Marquis of Hatfield, who owns \$100,300; the Reverend George Gordon, D. D. Dean of Lincoln, who holds \$31,000; Sir Wm. Kepple, General in His British Majesty's forces, Knight Grand Cross, of the order of the Bath, &c. who owns \$72,200; J. K. Pindar, Earl, \$15,000; besides a number of others, all residing in Europe, and who own eight millions four hundred and five thousand five hundred dollars, as before set forth. Our own citizens, whether rich or poor, pay a tax towards the support of the state government; but those foreigners—the nobility of England, are not only to have a continuation of their banking profits, which are very considerable, (so much so that their stock was worth twenty per cent. advance)—to the exclusion of American citizens; but they are to be favored and their property exempted from taxation, to the prejudice of the citizens of our own state; for, the greater the amount of property subject to taxation, the smaller will be the tax upon the whole people. I am aware that it has been urged, that the *bonus* allowed in the charter was an equivalent, and that, therefore, the states should not have the right to tax the stock within their jurisdiction. It will be recollected that the money of the government of the United States has been deposited in that Bank, which has amounted to an average sum of \$3,000,000 per annum. That money, the Bank has had the use of without paying therefor any interest to the people; the profits arising from which, greatly exceed the amount paid by the Bank as a *bonus*. That the charter has been valuable to the stockholders, is demonstrated by the fact, that the stock has been and is now worth considerably more than the amount paid in. Wherefore,

then, the injustice of requiring them to pay as much tax as other Banks in the states where they may be located? I would have such a provision made a part of the charter. The question of taxation would not then be left to the decision of a court, it having been inserted in the law, would be a part of the contract, and the stockholders would be bound by it. We should avoid all collision between the federal courts and the state tribunals upon that subject, which should be the wish of us all. Again, the Bank has the privilege of bringing suits in the federal courts (always non-resident) in the several states, but if any one has a demand against it, whether a resident of Louisiana or Georgia, he must go to Philadelphia to prosecute *his* claim. *That* should be remedied; suits should be allowed against the Bank in the several states where there are branches. It would seem to follow, that wherever it can sue, it should, also, be subject to suit.

But let us enquire what good can possibly result from the passage of the resolution. The question of rechartering the Bank of the United States has been settled by the grand inquest of the nation—the *people*. At the last session of Congress a bill was passed rechartering the Bank; the President of the United States, believing that the measure would be destructive of the best interests of the country, had the firmness, for which he has always been distinguished in great emergencies, to place his negative upon it. What followed? The Bank entered the political arena: the people were told that the country would be ruined by the veto—General Jackson must be put down. The election came, and *the people* triumphantly sustained the act of the President, and re-elected him by a vote of nearly four to one. The effort of the resolution is to “nullify” that solemn act of a large majority of the people of these United States. Ours is a government founded upon the will of the people,—the majority must of necessity rule—and when questions have been submitted to them, and they have rendered their verdict, it is our duty to acquiesce. We cannot *all* be satisfied; but still, as we admire our government, the very best of any that exists, we should pay some respect to the will of a majority of its citizens. I had flattered myself that questions which were purely national, would have been left exclusively to the action of the federal functionaries; that they would not have been the subjects of discussion between two departments of our state government. For, as relates to myself, I know that the duties of my station, to the people of the state, are sufficient to engage my attention, without undertaking to instruct the general government as to what it should do on important subjects, that may or may not come before it. Let each government revolve within its own orbit, and act upon its own responsi-



bility—accountable only to those who created, and support it. Let the line that separates the two governments be ascertained by the constitution, as nearly as possible, and let neither pass it, nor interfere with the other. In this way that harmony will be preserved, which is so essential and pleasant, in the administration of every government. Each will move on, attending to the various duties assigned it, and neither will have cause of complaint against the other.

That the question in relation to the renewal of the present charter of the Bank of the United States, is considered as settled, seems to me to be generally conceded. I have not seen that the President and Directors intend to make application for that purpose; the subject had not, at the last dates from Washington, been brought before Congress. Why then instruct our Senators and request our Representatives to vote for it? Why take up *our* time in acting upon a question that belongs entirely to the action of the federal government, and which will not, in all probability, be the subject of consideration during the present session of Congress.

The fourth and fifth resolutions speak of efforts made to embarrass the Bank of the United States in its operations; and to destroy its credit and standing by representing, or insinuating, that said institution is insolvent; and that it is no longer safe to make the public deposits in said Bank, or its branches, thereby injuring, not only the credit of the Bank, but seriously affecting the interest of individual stockholders, and the labour and industry of the country; which “efforts,” in the language of the resolutions, “have been seen with surprise,” “and viewed with regret,” and are “highly disapproved.” “*The efforts*,” upon which the resolutions were predicated, do not appear; they are not specified. I cannot, therefore, concur in the disapproval of that which is not set forth.

But the sixth resolution is more specific. “Resolved further, that the general assembly condemns the effort of the President of the United States, and the Secretary of the Treasury, in their attempts to place the public funds into private or state banks, instead of the national bank, as tending,” &c. This brings us to enquire what has been done by the President and Secretary, in relation to that matter, which has brought upon them this *condemnation*? The money of the government has, for many years, been deposited in the Bank of the United States. When payments were about to be made, of any portion of the public debt, notice was given that it would be done on a certain day. The Secretary of the Treasury gave notice that a large amount of the public debt would be paid off on the first of July last—say six millions five

hundred thousand dollars. The government had, at that time, a deposite in the Bank larger than the sum thus to be discharged, and as the Bank had the use of the deposite, without paying any interest therefor, it should always have been ready and willing to have returned the money, thus deposited, whenever the President and Secretary, with the concurrence of the commissioners of the sinking fund, might direct, in discharge of the public debt. But what was the fact? Sometime after the notice of payment appeared, the President of the Bank went from Philadelphia to Washington, and agreed that if the payment of the debt, advertised, could be deferred from July until October, *the Bank* would pay the interest that might accrue in consequence of the postponement,—the arrangement was made. Notice was again given, that payments on account of the public debt would be made on the first of October and January thereafter; and here again, we find the Bank thwarting the design of the President and Secretary. A portion of the debt about to be discharged belonged to foreigners: an agent was sent to Europe, without the knowledge of the President or Secretary, with instructions to obtain a postponement of a large portion of the debt until October, 1833—the *Bank* agreeing to pay the interest. The arrangement was effected, to a considerable extent, by stipulating to pay the public creditors a higher rate of interest than they were receiving from the government, and in that way induced them to withhold a presentation of their scrip for payment, at the time designated by the Secretary of the Treasury of the United States, and thus to continue the government bound for the redemption of the debt, one year longer at least, although the public deposite in the Bank exceeded the amount directed to be paid off. The President of the United States has manifested great solicitude that the public debt should be wholly discharged; that the people might be relieved from a heavy interest account; and that we might exhibit to the world the proud spectacle of a nation of twelve millions of freemen clear of all debt. Let the conduct of the Bank answer as to its course upon this subject. The money of the government was in the Bank, and whenever it failed to return it, or made terms in relation to it, what was the inference? that it was not entirely convenient, or that it was unwilling to pay—either of which was calculated to induce suspicion. Banks must always pay when required, or cease to have credit; such is the universal sentiment upon the subject. Why this arrangement on the part of the Bank to pay *interest* in consideration of the postponement of the six and a half millions from July until October? Why the sending of a special messenger to England, to induce the holders of stock to wait one year longer? Let the experience of every one answer,—we

must infer that it could not with convenience meet the demands of the government and other claims that might be brought against it. If that was not the case would the President of the Bank have gone to Washington, and arranged a postponement of the time as stated, and for the first time have agreed to pay interest on the deposits to the government? Would the Bank have sent a special agent to London to interpose and interfere between the owners of stock and the government, in order to induce those persons not to present their claims? We think not. Such conduct was extraordinary, and well calculated to excite surprise and enquiry. Examine the facts, and it will be found that, during a great part of the year 1832, the deposits of the government exceeded the amount of specie on hand. That, in the management of the principal Bank, the time, manner, terms, and amount of certain transactions were well calculated to induce investigation at least. With a knowledge of all this, what has the President done? No more than was required by his constitutional duty, and justified by the developement of facts. After giving an account of the postponement of the payment of the debt, by reason of the arrangement made between the Bank of the United States and a portion of the holders of the public funds, he remarks in his message, "such measures as are within the reach of the Secretary of the Treasury, have been taken to enable him to judge, whether the public deposits in that institution (the United States' Bank) may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An enquiry into the transactions of the institution, embracing the branches as well as the principal Bank, seems called for by the credit which is given throughout the country to many serious charges, impeaching its character, and which, if true, may justly excite the apprehension, that it is no longer a safe depository of the money of the people." Here then is the great offence of the President, in recommending the subject to the attention of Congress—in suggesting, as was his duty, that they should take the matter into consideration—in watching, as he has always done in his official stations, with parental solicitude over the interests of his country. He was aware, that the money of the people had been deposited in that Bank, some times to the amount of \$12,000,000; that it gave no security for its return—that the stockholders were resident many of them in England, *and* for that recommendation, he is to meet a sentence of "condemnation," in a resolution passed by a majority of the Legislature of Kentucky. And who is it that is the subject of this censure? ANDREW JACKSON—the man who understands the



interest of his country, and has the firmness to pursue it—whose patriotism, and high regard for republican principles, have been fully displayed—whose brow is entwined with a wreath of civic renown and military glory. He, who declared the “city” should be preserved, or he would die in the last ditch—*who dared*, in obedience to what he believed to be the wish and interest of the people, to enter the list against the power, patronage, and influence of the Bank of the United States, and to place his Veto upon the bill rechartering that institution—*He*, who has *thrice* been honored by the suffrages of the people of these United States, first by a plurality, then by a vote of two to one, and lastly of nearly four to one. *He is the man*, who is thus condemned—of whom Jefferson said (1825) it was fortunate for the country, that he was likely to be fit for public service four years hence. Fortunate indeed was it! and fortunate too, that the people understood it, and placed him in the Presidential chair; for when the present times shall have passed away, when the historian performs his office, his memory will be cherished with delight as a patriot and statesman, who has rendered more essential service to these United States than any other man *now* living. Look into his acts as President of the United States—under his administration a favourable arrangement made with England, advantageous treaties made with France, Denmark, and the Sultime Porte: with several of the Southern Republics, with Mexico, Portugal, and lately with the Neapolitan Government. Fifty eight millions of the public debt paid; the taxes, by a modification of the Tariff, reduced some six or seven millions of dollars, and a further reduction in progress, estimated at six millions—agriculture prosperous; manufactures flourishing, and commerce extended. During the year 1831, there was an increase in our shipping of more than “80,000 tons, and of near forty millions of dollars, in the aggregate of our exports and imports. The old soldier of the revolution has been provided for, at last taken by the hand, whether of the continental or state line, of the land or naval service, and the bounty (justice) of his government meted out to him. When threatened with clouds in the south, portentous of disunion, we *fortunately* find Jackson at the helm, who has declared, “that the union must be preserved.” Was there nothing in all this—in all his services, military and civil, now that he has grown grey in the service of his country—to shield him from this sentence? So it appears, and, because he deemed it his duty to make a recommendation to Congress, in relation to the security of the large amount of public money, *that* is laid hold of and made the subject of condemnation. I cannot, Gentlemen, write to those Resolutions the word “approved.”

The Secretary of the Treasury, whose especial duty requires that he should, with vigilance, take care that the money of the people should be safely kept, felt it his duty, under a full view of all the circumstances, to recommend the subject of the public deposits to the consideration of Congress; and for that, although distinguished for his high public services in the Senate and House of Representatives in Congress—for his able and successful negotiation with the government of England—for the ability with which he has presided over the fiscal Department of the government, he too, is the subject of this resolution. It has seldom happened in the annals of any government, that officers have been censured for doing too much in the discharge of their duty—for being over-solicitous—over-watchful, in regard to the interest of the people. If the Bank of the United States is in a condition “above suspicion,” it cannot be injured by investigation, it should rather desire than retire from it, that its ability and credit might be made the more manifest.

Whence is the apprehension, that the public deposits are about to be “withdrawn from the Bank of the United States, and placed in private or state banks, or elsewhere, at the discretion of the President or said Secretary of the United States?” The message of the President, and the communication of the Secretary to Congress, each negative any such apprehension; the subject is submitted by them to the consideration of Congress. *That* would not have been done, if it had been contemplated, at that time, to withdraw the deposits, and place them in “private or state banks, or elsewhere, at the discretion of the President or said Secretary. If, however, it should hereafter become manifest, that the public good demands a withdrawal of the public deposits, from the Bank of the United States, it will, no doubt, be done, and as is required by the charter of the Bank, the reasons therefor will be communicated to Congress.

The eighth resolution states, “that in the opinion of this General Assembly, an institution such as is proposed by the President of the United States in his annual message of 1830, that is to say “a National Bank founded on the credit of the government and its revenues,” would be a dangerous institution, calculated to enlarge the powers of the Executive Department, and put to hazard the best interests of the people of the United States.”

The President in his message of 1830, after speaking of the dangers which many of our citizens apprehended from the Bank of the United States, as at present organized, remarks, “it becomes us to enquire whether it be not possible to secure the advantages afforded by the present Bank, through the agency of a Bank of the United States, so mod-

ified in its principles and structure, as to obviate constitutional and other objections. It is thought practicable to organize such a Bank with the necessary officers, as a branch of the Treasury department, based on the public and individual deposits." "In times of public emergency the capacities of such an institution might be enlarged by legislative provisions."

"These suggestions are made not so much as a recommendation, as with a view of calling the attention of Congress to the probable modification of a system which cannot continue to exist in its present form, without occasional collisions with the local authorities, and perpetual apprehensions on the part of the states and the people."

The object of the President was, as is expressly stated, to call the attention of Congress to the subject, and of suggesting some modification in the system of banking so as to avoid constitutional and other objections to the present Bank—more with that view than "as a recommendation."

Surely no necessity exists for the adoption of the resolution. The subject is not now before Congress, nor has it even been "suggested" in the subsequent messages of the President, and whether it will ever be again, is not known. The suggestion was made as an alternative, as calculated to avoid the objections that existed to the Bank of the United States as now organized. But the resolution objects to the Bank, because it would be calculated to enlarge the powers of the "Executive Department." As the plan is not given in detail, it is difficult to ascertain in what way it was to be managed. It was though, evidently contemplated that its action should be under the supervision of Congress—the representatives of the people.

I should apprehend much less danger to the liberties of the people from a Bank of that character, than from the present Bank of the United States, owned, managed and controled as it has been. The one would be under the supervision of our own government, with officers chosen by the people themselves; the other under the management of a directory, a large majority of whom are chosen by the stockholders, and with some three or four men controlling votes enough to elect the directory, with a large portion of its stock owned by foreigners. When we recur to the past, are there no fears as to the power and influence of the present Bank? There was *once* good reason to apprehend much from that source. The difficulty of the President is very manifest. In his veto message, when he did not deem it necessary to offer a synopsis of a Bank as a substitute of the Bank of the United States, it was complained of by many, and now because he made some suggestions upon that subject



in his message of eighteen hundred and thirty, they are taken as a proposition and negatived by this resolution.

Gentlemen of the Senate, I regret the *necessity* of this communication. I felt no solicitude to discuss the subjects adverted to. But when questions are presented, and it becomes my duty to decide yea or nay; my hand should not write the former, whilst my judgment dictates the latter.

JOHN BREATHITT.

And the said preamble, resolutions and objections, were made the order of the day for to-morrow.

*Ordered*, That the public printer print one hundred and fifty copies of the said preamble, resolutions and objections, for the use of the General Assembly.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the improvement of the roads in certain counties, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, entitled, an act for the further relief and benefit of the administrator of Marcus D. Richardson, deceased; and an act to provide for revising, digesting and abridging, the statute laws of this commonwealth; reported the same with their opinion that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Weddington and John Despoinet, reported the same with their opinion that it ought not to pass.

The said bill was laid on the table until the 1st day of June next.

On the motion of Mr. Hardin, the committee of finance was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to amend an act, entitled an act for the benefit of revolutionary soldiers: and the said bill was referred to the committee on military affairs.

Mr. George, from the committee appointed for that purpose, reported a bill to improve the South fork of the Kentucky river, from its junction with the North fork to Goose creek salt works; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Mr. Rodman, from the committee on military affairs, reported a bill to authorise the Secretary of State to distribute certain military books; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to establish election precincts in the counties of Breckenridge and Hancock.

An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

An act for the benefit of the late sheriff of Grant county and his securities.

An act for the benefit of the heirs of Samuel Flournoy, dec'd.

An act further to improve the town of Princeton; and

An act for the benefit of the clerk of the Garrard county court.

And had found them truly enrolled; and that they were signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

The amendment proposed by the House of Representatives, to a resolution fixing a day for the adjournment of the Legislature, was twice read.

The said amendment proposes to strike out the "26th" of the present month, (January,) as the day of adjournment, and to insert the "2d day of February next."

Mr. Wickliffe moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and James, were as follows, viz:

YEAS—Messrs. Beatty, Guthrie, James, Payne, Thornton, Wickliffe—6.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin, Harris, Murray, Marrell, H. Owsley, W. Owsley, Parks, Rodman, Radd, Sisk, Taylor, Thompson, Wood—28.

The said amendment was then concurred in.

On the motion of Mr. Harris, the vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an

act allowing an additional justice of the peace to the county of Bath, and for other purposes; and the said bill was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to a committee of Messrs. Harris, Churchill and Sisk.

Mr. Guthrie read, and laid on the table, the following resolution, viz:

*Resolved, by the Senate and House of Representatives,* That the following be added to the joint rules of both houses, viz:

No petition or application for a divorce, or to be released from the pains and penalties of marrying a second time, shall be presented or considered, unless the other party to the marriage contract shall have had thirty days' notice thereof before the meeting of the Legislature, and unless the proof to sustain the same in the form of depositions, taken on reasonable notice, shall accompany the petition or application.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky.

Mr. Guthrie moved to amend the said bill, by striking out of the latter part of the second section, these words, viz:

The promissory notes made payable to the President, Directors and Company of the Bank of Louisville, and by said bank discounted: and the promissory notes made payable and negotiable at the Bank of Louisville, or at any incorporated bank in the city of Louisville, or at any office of discount and deposit of the Bank of the United States in said city, for the time being, and discounted at said Bank of Louisville.

And to insert the following, viz:

The promissory notes made payable to any person or persons, and negotiable and payable at the Bank of Louisville, and endorsed to, and discounted by said bank, shall be, and they are hereby, placed on the same footing as foreign bills of exchange: so that the like remedy may be had, jointly or severally, against the drawer or drawers, and endorser or endorsers, and with like effect except as to damages: and except that in a regular course of administration, they shall have no other or greater dignity or priority of payment than other promissory notes.

Mr. Wickliffe called for a division of the question; the question being taken on striking out the words proposed, it was decided in the affirmative.

The question was then taken on inserting the words proposed, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Chur-



chill, Clark, Conner, Dejernatt, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Ralman, Radd, Sisk—19.

NAYS—Messrs. Bibb, Cunningham, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe, Wood—14.

And then the Senate adjourned.

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THURSDAY, JANUARY 24.

The Senate assembled.

The Speaker laid before the Senate the petition of Leonard Jones and Henry Banta, praying a grant of some of the unappropriated land West of the Tennessee river; which was received, and referred to the committee of courts of justice.

Mr. Cunningham, from the committee of privileges and elections, made the following report, viz:

The committee of privileges and elections, to whom was referred the motion for a writ of election, to fill the vacancy occasioned by the death of Simeon Creel, Esq. have, according to order, had the subject under consideration, and have come to the following resolutions thereon, viz:

*Resolved*, That there is a vacancy in the Senate in the 10th Senatorial district, composed of the counties of Adair, Casey and Russell, occasioned by the death of Simeon Creel, Esq.

*Resolved*, That a writ of election issue, directed to the sheriffs of these counties, to fill the said vacancy, and that the election to be held on the first Monday in August next and the two succeeding days.

Which was twice read and concurred in.

*Resolved*, That the Senate adhere to the amendment proposed by them to a bill from the House of Representatives, entitled, an act to provide for laying the levy in certain counties.

On the motion of Mr. Thornton, leave was given to bring in a bill for the benefit of the widow and heirs of Walker Thornton, deceased; and the committee of courts of justice were directed to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.

By Mr. Hardin, from the committee of finance—A bill concerning county levies in certain counties.

By Mr. Dougherty—A bill appointing commissioners to view and mark a way for a road, from the state road leading from Lexington to Ghent to the town of Frankfort.

By Mr. Thornton—A bill for the benefit of the widow and heirs of Walker Thornton, deceased; and

By Mr. Fleming—A bill concerning Mt. Carmel, in Fleming county.

Which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Conner, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in Everett's and Foreman's bottom precincts, in Lewis county, reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodman, from the committee on military affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled an act for the benefit of revolutionary soldiers, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Thornton, from the joint committee, appointed to examine the Bank of the Commonwealth of Kentucky, made the following report, viz:

The joint committee appointed to examine the Bank of the Commonwealth of Kentucky, report that on the 22d instant they attended at the Bank, and examined the books of the institution, and, as far as they are able to judge, found them correctly kept and in good order, and shewed an amount of cash on hand of \$139,152. The committee then proceeded to count the money, and found it to correspond with the amount shewn by the books.

The committee report that a considerable portion of the notes are in a mutilated condition and unfit for circulation, and that one hundred thousand dollars of the notes may be burned in the course of the present year, and leave an abundance to answer any demands which the present Legislature may create on the bank. The committee also report that, in their opinion, there is no further necessity for the directors of said bank, and that a law ought to pass to dispense with the directors, and commit the whole management of the bank to the President, Cashier and principal Clerk, and beg leave to report the following resolution:

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That the President and Cashier of the Bank of the Commonwealth of Kentucky shall, on or before the first Monday in February next, in the presence of the Auditor and Treasurer, proceed to count and destroy by burning, fifty thousand dollars of the notes of said bank that have been withdrawn from circulation: and on or before the first Monday in December next, that the sum of fifty thousand dollars more of the notes of said bank be destroyed by burning, under the same regulations as the first fifty thousand: and that such notes be selected, in both instances, as have been most defaced.

Which report was referred to the committee of finance.

Mr. Harris, from the committee to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional justice of the peace to the county of Bath, and for other purposes, reported the same with amendments; which were twice read and concurred in.

*Ordered,* That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved,* That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Rodman, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Henry, reported the same without amendment.

*Ordered,* That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved,* That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county, was taken up and read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to the committee of propositions and grievances.

On the motion of Mr. H. Owsley, leave was given to bring in a bill to open a road from London, in Laurel county, to the mouth of Big Laurel river, in Whitley county; and Messrs. H. Owsley, W. Owsley, George and Clark, were appointed a committee to prepare and bring in the same.

The amendments proposed by the House of Representatives, to a resolution fixing a day for the election of public officers, were twice read and concurred in.

A message was received from the House of Representatives, an-



nouncing that they had adopted a resolution in relation to burning the notes of the Bank of the Commonwealth.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to incorporate the Franklin Insurance Company.

An act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes.

An act to authorise the establishment of a library in Rockcastle, and for other purposes.

An act to amend the road law so far as respects the county of Mason.

An act to amend an act, organising a fire company in the town of Augusta.

An act to revive and continue in force an act, entitled, "an act to establish the town of Vanceburg," approved January 24, 1827, and for other purposes.

An act concerning the public library, and to provide for the election of a Librarian.

An act for the benefit of the legatees of Richard Allen, deceased.

An act for the benefit of William Davis, of Whitley county.

An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.

An act appointing trustees to the Glasgow Academy.

An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county.

An act to appropriate a part of the vacant land lying between Walker's line and the latitude 36 deg. 30 min. North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, in Wayne county, to the state line, in a direction to Jacksboro' and to Barboursville.

An act for the benefit of William Butler, clerk of the Monroe county and circuit courts.

An act further to regulate the town of Springfield, in Washington county.

An act for the benefit of the heirs of John Nalle, jun.

An act to legalise the proceedings of the court of assessment of fines, of the 20th Regiment, Kentucky Militia.

An act to enlarge the town of Madisonville.

An act to protect the actual settlers in the land district West of the Tennessee river.

An act to amend the laws concerning Transylvania University.

An act for the divorce of Mary Richardson.

An act to appoint trustees to the Washington Academy.

An act for the benefit of the clerk of Perry county.

An act to permit the trustees of the town of Columbus to allow mills and a warehouse to be built in the commons of said town.

An act for the benefit of Benjamin Tobin.

An act for the benefit and relief of Eleanor Jewell.

An act to allow the sheriff of Madison to return his delinquent list in certain cases; and

An act for the benefit of the devisees of Richard Shanklin.

And had found them truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 22d instant, approve and sign enrolled bills, which originated in this house, of the following titles, viz:

An act for the relief of Abraham Miller, of Hardin county.

An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.

An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.

An act for the benefit of Thomas Newskirk and wife.

An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade.

An act to change the time of the meeting of the Legislature of Kentucky.

An act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs,

An act to authorise the several county courts of this commonwealth to permit gates to be erected on certain public roads.

An act for the benefit of Daniel M. Kittinger.

An act to authorise clerks, sheriffs, justices and constables, the collection of their fees from those about to leave this commonwealth.

An act prescribing the mode for vacating judgments recovered against, or in favor of, deceased persons.

An act to establish the town of Taylorsville, in Spencer county, and giving the trustees thereof certain powers.

An act to establish a state road from Louisville to the state line, in a direction to Knoxville.

An act changing the boundary lines of the 72d Regiment, K. M.

An act to change the place of voting in the Claysville precinct, in Harrison county, and for other purposes.

An act to improve the road leading from Monticello, to the state line, in a direction to Monroe, Tennessee, and the road from Columbia, by Creelsburg, to the state line.

An act for the benefit of David Short.

An act for the benefit of Vachel Welden, jailor of Bracken county.

An act to authorise the sale of a street in Russellville.

An act for the benefit of the sheriffs of Gallatin, Pendleton and Bath counties.

An act for the benefit of Sally Spillman; and

An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, Mr. Rodman in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Rodman reported that the committee had, according to order, had under consideration a bill for the benefit of the Lexington and Ohio Rail Road Company: and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table; the said amendments were twice read and concurred in.

The said bill was placed in the orders of the day, and the public printer directed to print one hundred and fifty copies thereof for the use of the General Assembly.

A bill to extend the powers of the road commissioners of Bracken county, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to repeal in part, and amend the act, incorporating the Lexington, Chilesburg and Winchester Road Company, was read the third time, and amended by way of engrossed ryder.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to exempt additional property from execution, was read the second time, and referred to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act to incorporate the Falmouth Bridge Company, was read the second time, as follows, viz:

SEC. 1. *Be it enacted by the General Asssmbly of the Commonwealth of Kentucky*, That William Brown, Isaac Miller, Asberry Broadwell, John Forsyth, Simeon Bustin, William C. Kennett, Thomas Waggonner, Jared Woodworth, Robert Taylor, William Ellis, Joseph Hitch, Augustus Robbins, Francis Chalfant, John H. Barker, Ben D. Beal and Richard



H. Southgate, with their associates; be and they are hereby created a body politic and corporate, by the name and style of the Falmouth Bridge Company, for the purpose of erecting and constructing at Falmouth a bridge across main Licking river, between the junction thereof with the south fork and the mouth of Mountjoy's spring branch, and they and their associates and successors shall continue, and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in this commonwealth, in all courts of law or equity; to make, have, and use a common seal, and the same to break, alter or amend at pleasure. And they and their successors shall have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, and the sites for the pier or piers, abutments, toll houses, and suitable avenues leading to the same. Also, to borrow money, not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money or issuing bills or notes upon banking principles. Also, the power to ordain and establish such by-laws, ordinances and regulations, as shall be necessary for the well being and government of said corporation, not incompatible to the laws of this commonwealth or of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of not more than fifteen thousand dollars, divided into six hundred shares of twenty-five dollars each, to be subscribed for or sold, in the manner hereinafter mentioned.

SEC. 3. *Be it further enacted*, That within six months after the passage of this act, the persons before named, or a majority of them, shall cause books for the subscription for the stock of said company to be opened at such places and times as they may direct, which books shall be kept open under the direction of said persons or a majority of them, for such length of time as they may order. If, however, at the closing of the subscription, it shall be found that a greater number of shares than six hundred have been taken, then and in that case, the persons before named or a majority of them, shall proceed to reduce the number of shares in all equitable proportion among the subscribers, not reducing any below twenty shares.

SEC. 4. *Be it further enacted*, That when three hundred and twenty shares shall have been subscribed, the said persons or a majority of them shall advertise a meeting of the shareholders of said company at Falmouth, giving at least fifteen days previous notice of the time and place of such meeting; and the shareholders shall thereupon proceed to the election of a President and six Directors, who shall be shareholders,

and such of the before named persons, who shall not be shareholders, shall cease to be members of said corporation, and the said shareholders shall also proceed to fix what compensation, if any, the said President and Directors shall be entitled to receive. Also, to ordain and adopt such by-laws for the permanent organization of said corporation as they may deem needful, at which meeting each shareholder shall be entitled to one vote for each share to the number of forty, and one vote for every five shares above forty and not exceeding one hundred, and one vote for every ten shares above one hundred; and at all the subsequent elections or general meetings of the stockholders, no shares shall be voted on, that have not stood in the name of the person claiming to vote at least three months previous to the day of election or meeting; and the shares in said company may be voted for by proxies duly recorded, and in conformity to the foregoing regulations.

SEC. 5. *Be it further enacted*, That the President and Directors chosen in conformity to the provisions of the foregoing section, shall hold their offices for one year next succeeding such election, and until others are chosen in their places, and the stockholders shall annually meet in the town of Falmouth, the day preceding the expiration of the year for which the said President and Directors were elected, at some place to be designated by the President and Directors, and then proceed to the election of a President and six Directors, who shall be shareholders and residents of the State of Kentucky, who shall hold their offices for one year, and until their successors shall be elected as aforesaid; public notice shall be given of such meetings or elections by the clerk or secretary of the company, at least twenty days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the President and Directors, and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

SEC. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of said President and Directors; and the President and three Directors shall constitute a quorum to transact business, or in the absence of the President, any four Directors, one of whom shall act as President *pro tem.* with power to fill any vacancy in the board, occasioned by death, resignation or otherwise. The President and Directors, after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of stock delinquent, as they may deem proper. They are to open or renew the subscription for shares

not already subscribed, or sell them, and also any forfeited shares as they may think best for the company: *Provided, however*, that no stock shall be sold by them for less than par value thereof.

SEC. 7. *Be it further enacted*, That it shall be the duty of the President and Directors to appoint a Clerk, and cause a record of their proceedings to be kept; they may also appoint a Treasurer, and other officers or agents, as they may deem needful for the promotion of said undertaking, and to allow them such pay or compensation as they may agree on—to make contracts, and to do all things necessary to carry the aforesaid object into immediate execution and effect; and to require and take such bonds or other surety, in their corporate capacity, from any person or persons, they may so appoint or contract with; and any vacancy, filled up by the board of Directors, shall continue until the next annual election, by the election of other shareholders.

SEC. 8. *Be it further enacted*, That the President and Directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or site for the abutments or piers thereof; and if they shall deem it advantageous to the company, one half acre or a less quantity of land at each end of the bridge, over and above what is authorized to be purchased by the foregoing provisions of this act.

SEC. 9. That the said permanent bridge shall be erected so as to permit the passage of boats, rafts of timber and wood of the largest size and height, at the highest stages of water in the river, and shall have over the main channel of said river, or at such part thereof as may be designated or pointed out, by five commissioners appointed by the Pendleton circuit court, a span or arch not less than one hundred and twenty feet wide, and the other spans or arches not less than thirty feet. And when so erected and completed, the President and Directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon with their goods, carriages, or animals of every kind or description: *Provided, however*, that the nett profits arising from the toll, shall not exceed fifteen per centum per annum, after the proper deductions are made for repairs and other charges, and the rates of toll shall be posted up, in some conspicuous place where the toll is demanded.

SEC. 10. *Be it further enacted*, That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending shall forfeit and pay three times the amount of damages sustained, with costs of suit, recoverable before any court of competent jurisdiction. And any person or persons who shall



pass or attempt to pass said bridge without paying the toll or tendering it, if there be any person or persons present to receive it, shall forfeit and pay three times the amount of the toll or tolls, which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this commonwealth. And if any person or persons shall wilfully set fire to said bridge, or burn the same or any part thereof, such offenders, with their aiders or abettors, shall be guilty of arson.

SEC. 11. *Be it further enacted*, That certificates of stock in said company shall issue in form and manner, and be transferable as may be designated by the by-laws of said company.

SEC. 12. *Be it further enacted*, That this act shall cease to have effect, if stock shall not be taken to the extent of three hundred and twenty shares within three years from the first day of January next, and the bridge be completed so far as to be passable, within five years from said period.

SEC. 13. *Be it further enacted*, That the said company shall be held liable and responsible, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber or other lumber, passing down said river, in consequence of the construction of said bridge; unless said injuries are sustained by negligence or want of competent skill, of those or any of those on board navigating said vessels, boats, rafts or timber: *Provided, however*, that it shall be lawful for said bridge company at their own expense and charges, to employ and furnish pilots for directing boats, rafts of plank, timber or other lumber through the bridge; and if any person navigating a boat, raft of plank, timber or other lumber, shall fail to take or refuse the aid of a pilot furnished by the company, then such boat, raft of plank, timber or other lumber shall be considered as passing the bridge at the risk of the owner or navigator: *And provided further*, if such owner or navigator apply to the toll gatherer for such pilot, and a pilot be not forthwith furnished by the company, then, and in that case, such boat, raft of plank, timber or other lumber, shall be considered as passing the bridge at the risk of the company, and the company shall be liable for all injuries sustained on account of the want of competent skill in the navigator.

SEC. 14. *Be it further enacted*, That it shall be sufficient service of process, on the corporation hereby created, to execute a summons on the President or Secretary of said company, and process so executed, shall authorize judgment at the first term, as in other cases, if no appearance shall be entered, or plea filed.

SEC. 15. *Be it further enacted*, That it shall be the constant duty of

said company, from time to time, to remove all timber or drift of any description, which may lodge against any of the piers or abutments of said bridge, and if they fail herein, they shall be liable to a fine of ten dollars for every forty eight hours, it is suffered to remain, after allowing reasonable time for the removal of the same, to be recoverable by indictment or presentment in the Pendleton circuit court, and shall moreover be liable for any injury sustained by any person in consequence thereof.

SEC. 16. *Be it further enacted*, That the Legislature reserves the right to amend this charter, so as to secure the navigation of main Licking free from any injury.

SEC. 17. *Be it further enacted*, That the county court of Pendleton, or Campbell, or Harrison, is hereby authorized and empowered (a majority of all the justices in commission concurring and sanctioning the same,) to subscribe for and on behalf of the county, such number of shares, as it in its discretion may deem proper, and shall, in case of actual subscription, pay the same out of any county levy, and be entitled to all the rights and privileges of other stockholders; authorizing and directing the clerk of said court, by order entered of record, to act for them and on their behalf. And they are hereby authorized, at their annual court of claims, to levy such tax as they may deem sufficient to discharge and pay the stock so subscribed, as the same may be required by said company.

Mr. Fleming moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Parks, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Campbell, Clark, Conner, Cunningham, Fleming, Gholson, Griffith, Hardin, Marrell, H. Owsley, W. Owsley, Parks, Payne, Rudd, Sisk, Taylor, Wickliffe—19.

NAYS—Messrs. Beatty, Boyd, Brown, Churchill, Dejarnatt, Dougherty, George, Guthrie, Harris, James, Murray, Rodman, Thompson, Thornton, Wood—15.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky.

Mr. Hardin moved to amend the said bill, by adding thereto the following section, viz:

*Be it further enacted*, That the stockholders shall be liable in their individual capacities, and out of their private property, for

all debts due by said company: and may be proceeded against by creditors of said company, either jointly or severally: *Provided* no suit shall be commenced against individual stockholders, until payment shall be demanded of the company, at the banking-house of said company, and refused: *And provided further*, That no stockholder shall, in any event, be made pay more than the amount of stock by him, or them, subscribed or owned.

And the question being taken on adopting the said amendment, it was decided in the negative; the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Fleming, were as follows, viz:

YEAS—Messrs. Bibb, Churchill, Cunningham, Dejarnatt, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Wickliffe, Wood—17.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Clark, Conner, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Thornton,—17.

Mr. Hardin moved to amend the said bill, by adding the following section, viz:

*Be it further enacted*, That after the bank shall commence discounting notes, that all sum or sums of money, paid into said bank by stockholders, shall not go as part of their stock subscriptions, until all debts due by them to said bank shall be first paid off and discharged.

The question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Campbell, Churchill, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Thornton, Wickliffe, Wood—25.

NAYS—Messrs. Beatty, Brown, Clark, Guthrie, Harris, Murray, Parks, Rodman, Rudd—9.

Mr. Fleming moved to amend the first section of the bill, by striking out "1858," and inserting "1853," until which time the charter is to continue.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Boyd, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Cunningham, Fleming, George, Gholson,



Hardin, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Taylor, Thompson, Thornton, Wickliffe, Wood—19.

NAYS—Messrs. Beaseman, Beatty, Brown, Campbell, Churchill, Clark, Conner, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, Rodman, Rudd, Sisk—15.

And then the Senate adjourned.

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FRIDAY, JANUARY 25.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, of the following titles, viz:

An act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.

An act to provide for an additional Judge for the circuit of Louisville, and the circuit of Jefferson and Oldham counties.

An act for the benefit of Stephen Tuders; and

An act to amend an act, entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29th, 1830.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills and a resolution, of the following titles, viz:

An act for the benefit of the estate of Henry Ditto, jr.

An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.

An act concerning the town of Henderson, and for other purposes.

An act for the benefit of James Blincoe's heirs.

An act to establish election precincts in Woodford, Whitley, Graves and Henderson counties; and

A resolution fixing a day for the election of public officers.

And had found them truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Fanny Richardson and her children, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act authorising the sale of the slaves of infants, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That said bill, as amended, do pass, and that the title thereof be amended to read, an act authorising the sale of slaves in certain cases.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to exempt additional property from execution, reported the same, with their opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

On the motion of Mr. Rodman, the following resolutions were adopted, viz:

Whereas, by a report made to the Senate yesterday morning, from the committee of privileges and elections, that Simeon Creel, Esq. the Senator elected to represent the 10th Senatorial district, has departed this life—Therefore,

*Be it resolved*, That the members of the Senate wear crape on the left arm for thirty days, as a testimony of respect for the said deceased.

*Resolved further*, That the Sergeant-at-arms furnish the members of the Senate with crape.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Beaseman—A bill for the benefit of Samuel McMurtry; and

On the motion of Mr. Harris—A bill to provide for improving the roads in the counties of Floyd and Perry.

Messrs. Beaseman, Clark and Harris, were appointed a committee to prepare and bring in the former; and Messrs. Harris, Beaty and George, the latter bill.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. H. Owsley—A bill to appropriate a part of the vacant lands in Laurel county, to make a road from London to the mouth of Big Laurel, and for other purposes; and

By Mr. Harris—A bill to provide for improving the roads in the counties of Floyd and Perry.

Which were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Sanders, secretary of state, announcing that the Governor did, on this day, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the laws concerning Transylvania University.

An act to protect the actual settlers in the land district West of the Tennessee river.

An act to appoint trustees to the Washington Academy.

An act for the divorce of Mary Richardson.

An act to permit the trustees of the town of Columbus to allow mills and a warehouse to be built in the commons of said town.

An act for the benefit of the clerk of Perry county.

An act for the benefit and relief of Eleanor Jewell.

An act for the benefit of Benjamin Tobin.

An act for the benefit of the devisees of Richard Shanklin.

An act to allow the sheriff of Madison to return his delinquent list in certain cases.

An act to appropriate a part of the vacant land lying between Walker's line and the latitude 36 deg. 30 min. North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, in Wayne county, to the state line, in a direction to Jacksboro' and to Barbourville.

An act for the benefit of William Butler, clerk of the Monroe county and circuit courts.

An act concerning the public library, and to provide for the election of a Librarian.

An act for the benefit of the legatees of Richard Allen, deceased.

An act to enlarge the town of Madisonville.

An act to legalise the proceedings of the court of assessment of fines, of the 20th Regiment, Kentucky Militia.

An act for the benefit of the heirs of John Nalle, jun.

An act further to regulate the town of Springfield, in Washington county.

An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.

An act for the benefit of William Davis, of Whitley county.

An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county; and

An act appointing trustees to the Glasgow Academy.

A message was sent to the House of Representatives, informing them that the Senate were ready to proceed to the election of public officers.



A message was received from the House of Representatives, announcing that they were also ready to proceed to the election.

After interchanging nominations between the houses, the Senate proceeded to vote for the several officers: and Messrs. Hardin and Campbell were appointed a committee, on the part of the Senate, to compare the joint vote and report the result.

Mr. JAMES DAVIDSON received the unanimous vote of both houses, for Treasurer of this commonwealth, for the ensuing year, and was declared duly elected.

The first vote of the Senate for Public Printer read as follows:

For Mr. ALBERT G. HODGES—Messrs. Bibb, Brown, Churchill, Dejar-natt, Dougherty, George, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Sisk, Taylor, Thornton—18.

For Mr. J. B. MARSHALL—Messrs. Beaseman, Beatty, Boyd, Campbell, Clark, Conner, Cunningham, Fleming, Gholson, Griffith, Guthrie, Hardin, Rudd, Thompson, Wickliffe—15; and

For Messrs. U. B. CHAMBERS and W. B. HOLEMAN—Mr. Wood—1.

The joint vote stood thus:

For Mr. HODGES, 64—for Mr. MARSHALL, 63—and for Messrs. CHAMBERS and HOLEMAN, 5.

One hundred and thirty-two votes were given; and no person having received a majority, the Senate voted a second time, as follows:

For ALBERT G. HODGES—Messrs. Bibb, Brown, Churchill, Dejar-natt, Dougherty, George, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Sisk, Taylor, Thornton, Wood—19.

For J. B. MARSHALL—Messrs. Beaseman, Beatty, Boyd, Campbell, Clark, Conner, Cunningham, Fleming, Gholson, Griffith, Guthrie, Hardin, Rudd, Thompson, Wickliffe—15.

The joint vote stood thus:

For Mr. HODGES, 67—for Mr. MARSHALL, 63—and for Messrs. CHAMBERS and HOLEMAN, 1.

One hundred and thirty-one votes were given; and Mr. ALBERT G. HODGES, having received a majority, was declared duly elected Public Printer for the ensuing year.

Mr. PETER DUDLEY, having received a majority of all the votes given, was declared duly elected President of the Bank of Kentucky for the ensuing year.

Messrs. CHARLES S. MOREHEAD and JAMES SHANNON, having received a majority of all the votes given, were declared duly elected Directors of the Bank of Kentucky for the ensuing year.

Mr. HENRY WINGATE, having received a majority of all the votes, was declared duly elected President of the Bank of the Commonwealth of Kentucky for the ensuing year.

MESSRS. JAMES DAVIDSON, THOMAS S. PAGE, EDWARD P. JOHNSON and LEANDER J. SHARP, having each received a majority of all the votes given, were declared duly elected Directors of the Bank of the Commonwealth of Kentucky for the ensuing year.

The vote of the Senate for public Librarian was as follows:

For Mr. GEORGE A. ROBERTSON—Messrs. Beatty, Bibb, George, Griffith, Hardin, H. Owsley, W. Owsley, Taylor—8.

For Mr. LITTLEBERRY BATCHELOR—Messrs. Brown, Campbell, Clark, Conner, Cunningham, Dejarnatt, Fleming, Gholson, Guthrie, James, Murray, Murrell, Parks, Payne, Rudd, Sisk, Thompson, Wickliffe—18.

For Mr. JOHN SANDERS—Messrs. Beaseman, Boyd, Churchill, Dougherty, Harris, Rodman, Thornton, Wood—8.

The joint vote stood thus:

For Mr. ROBERTSON, 88—for Mr. BATCHELOR, 22—and for Mr. Sanders, 19.

Mr. ROBERTSON, having received a majority of all the votes given, was declared duly elected public Librarian for the ensuing year.

The preamble and resolutions relative to the public lands, the Bank of the United States, and the deposits of the Treasury, with the Governor's objections thereto, were taken up in the orders of the day.

Mr. Guthrie moved to pass them over, for the purpose of taking up a bill from the House of Representatives, entitled, an act to incorporate the Louisville Bank of Kentucky.

The question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Thompson, Wood—15.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Conner, Cunningham, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—19.

Mr. Campbell moved, that the question be taken on each resolution separately.

The Speaker decided that the motion was not in order.

Mr. Campbell appealed from the decision of the chair.

The question being put, Is the decision of the chair correct? it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Thornton, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Conner, Cunningham,

Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin, James, Marrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thornton, Wickliffe, Wood—23.

NAYS—Messrs. Beaseman, Campbell, Churchill, Clark, Guthrie, Harris, Murray, Parks, Rodman, Radd, Thompson—11.

The question was then taken, Shall the preamble and resolutions pass, the objections of the Governor to the contrary notwithstanding? and it was decided in the affirmative.

The yeas and nays being taken thereon, as required by the Constitution, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Marrell, H. Owsley, W. Owsley, Payne, Radd, Taylor, Thornton, Wickliffe—20.

NAYS—Messrs. Beaseman, Campbell, Churchill, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Sisk, Thompson, Wood—14.

And then the Senate adjourned.

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*SATURDAY, JANUARY 26.*

The Senate assembled.

Mr. Beaseman, from the committee appointed for that purpose, reported a bill to authorise the trustees of Cynthia to close an alley in said town; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Two messages in writing were received from the Governor, by Mr. Sanders, Secretary of State.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to amend the law imposing tax on merchandize.

An act to incorporate "The Louisville Savings Institution."

An act to amend an act, entitled, an act to authorise the establishing of private passways, approved December 13th. 1820.

An act to change the time of holding certain circuit courts, and for other purposes.

An act to incorporate the Crittenden School in the county of Franklin, and the New Providence School, in the county of Mercer.



An act supplementary to an act, entitled, "an act to establish the town of Taylorsville, and to legalise the proceedings of the trustees of said town, approved January 22d, 1833.

An act for the benefit of Lewis Strader and David Strader.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act for the benefit of James W. Ewing.

An act for the benefit of the children of Thomas Anderson.

An act to incorporate the Elizabethtown and Harrodsburg Savings Institution; and

An act to establish an election precinct in Bourbon county; and

That they had passed bills and a resolution, which originated in the Senate, of the following titles, viz:

An act for the relief of the heirs of Anna Maria Walsh.

An act to authorise the trustees of the town of Richmond to levy a tax, to McAdamize the streets.

An act for the benefit of Spencer Curd's representatives.

An act providing for settling the accounts with the keeper of the Penitentiary.

An act for the relief of the heirs of Francis P. Hord, deceased.

A resolution authorising the public Librarian to have certain acts of Assembly bound.

An act to incorporate the Louisville and Bonharbour Coal Company; and

An act to incorporate the City of Louisville.

With amendments to the two latter bills.

And that they had received official information that the Governor did, on the 19th instant, approve and sign enrolled bills, which originated in this house, of the following titles, viz:

An act to declare John's creek, in Floyd and Pike counties, a navigable stream.

An act for the benefit of the sheriff of Hickman county.

On the 24th, he approved and signed enrolled bills, which originated in the same, of the following titles, viz:

An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

An act to establish election precincts in the counties of Breckenridge and Hancock.

An act for the benefit of the late sheriff of Grant county and his securities.

An act for the benefit of the clerk of the Garrard county court.

An act for the benefit of the heirs of Samuel Flournoy, dec'd.

An act further to improve the town of Princeton.

And on this day, he approved and signed enrolled bills, which originated in the same, of the following titles, viz:

An act to authorise the establishment of a library in Rockcastle, and for other purposes.

An act to amend the road law so far as respects the county of Mason.

An act to amend an act, to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes.

An act to revive and continue in force an act, entitled, "an act to establish the town of Vanceburg," approved January 20, 1827, and for other purposes.

An act to amend an act, organising a fire company in the town of Augusta; and

An act to incorporate the Franklin Insurance Company.

A bill from the House of Representatives, entitled, an act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act authorising the building of an arsenal for the security and preservation of the public arms, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of finance.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to incorporate the Louisville Bank of Kentucky.

Mr. Fleming moved to amend the said bill, by striking out *twenty-five cents*, in the sixth section, and inserting in lieu thereof, *fifty cents*, being the sum to be paid annually into the Treasury, on each share held by stockholders in said bank, in full of all tax or bonus on said bank.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fleming and Hardin, were as follows, viz:

YEAS—Messrs. Bibb, Cunningham, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Wickliffe, Wood—14.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Churchill, Clark, Conner, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Thornton,—20.

The fourth section of the said bill was amended to read as follows, viz:

Sec. 4. That the said bank shall not, at any time, suspend, fail

or refuse payment in gold or silver, of any of its notes, bills or other obligations, due and payable, or any moneys received on deposite; and in case the officers, in the usual banking hours, at the office of discount and deposite of said bank, shall fail, refuse, or unreasonably delay payment in gold or silver, of any note or bill of said bank, there presented for payment, or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive payment of *the same*, [said bank shall be liable to pay as additional damages, at the rate of twelve per cent. per annum on the amount thereof, from the time of such failure, refusal or delay, until payment thereof; and on such failure or refusal, as well as for a violation of any of the provisions of this charter, the same shall be forfeited, and a *scire facias* sued out in the name of the commonwealth of Kentucky, on the motion of the attorney for the commonwealth, or the attorney general, and such proceedings had as to declare such forfeiture by the judgment of the court; and from and after the rendition of said judgment of forfeiture, said corporation shall cease to exercise any of the powers or privileges granted in this charter: *Provided*, That such forfeiture shall not be so construed as to prevent said bank from suing and being sued, and continuing said corporation for the purpose of closing its concerns, and from making all contracts that may be necessary and proper for that purpose.]

Mr. W. Owsley moved to amend the said section, by striking it all out after the words *the same*, printed in italics, and to insert in lieu thereof the following, viz:

Such suspension, failure, refusal or delay of payment, shall, without having been first ascertained by the judgment of a court of justice, *ipso facto*, forfeit, dissolve and terminate this charter, and all the banking privileges herein conferred; and the bank shall moreover be liable to pay, over and above the debt or demand with legal interest thereon so not paid, ten per centum per annum on the amount thereof, from the time of such failure, refusal or delay, until payment thereof: *Provided, however*, That notwithstanding such forfeiture and dissolution, or any other forfeiture which may happen for any other violation of this charter, the bank may sue and be sued, in its corporate name, until the business of said corporation is finally closed.

*Be it further enacted*, That for a violation of any of the provisions of this charter, the same shall be forfeited; and it shall be lawful for the attorney general to sue out a *scire facias* in the general court against said corporation, summoning the president thereof, for the time being, as the representative of said bank, to shew cause why the charter of said bank shall not be repealed and declared forfeited; in which *scire facias* he shall set forth the facts by which said bank may have forfeited its charter, upon which an issue shall be formed, either of law or fact, as in other cases; and if



the same shall be found against the said corporation, the court shall pronounce judgment, declaring void the said charter.

*Be it further enacted*, That if the said bank shall, after forfeiting its charter for the cause mentioned in the fourth section of this act, or after its charter, for any other cause, is declared void by the judgment of the general court, attempt to discount any note or bill, or do any other corporate act, except such as may be necessary to wind up and close its business, for every such attempt or act, each and every person engaged in the attempt or act shall forfeit and pay one hundred dollars, recoverable in any circuit court of this state, by action on the case in the name of the commonwealth of Kentucky, for the use and benefit of the informer.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and W. Owsley, were as follows, viz:

YEAS—Messrs. Bibb, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Taylor, Thompson, Thornton, Wickliffe, Wood—13.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk—18.

Mr. Wickliffe moved to amend the said bill, by adding the following section, viz:

*Be it further enacted*, That said bank shall not discount or buy notes of other banks not equal to gold or silver in value, nor sell or dispose of such notes for more or a greater sum than their fair current value when taken in payment of debts; and if the said President, Directors and Company, shall knowingly violate this prohibition, it shall be a violation of this charter; and any note or bond, or other security, given upon such contract, shall be utterly void.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Parks, were as follows, viz:

YEAS—Messrs. Bibb, Cunningham, Fleming, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Wickliffe, Wood—12.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Churchill, Clark, Conner, Dejarnatt, Dougherty, George, Gholson, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Thornton—22.

The 17th section of the said bill is as follows, viz:

Sec. 17. That so soon as five hundred thousand dollars of the capital stock shall have been paid in gold and silver, *and in notes of the Bank of the United States, of which two hundred thousand dollars shall be in gold or silver*, the President and Directors shall

cause the Governor of this state to be notified thereof, who is hereby authorised to appoint some suitable person to examine and count the money so paid, and actually existing in the hands of the Directors of said Bank, as such capital stock; whose duty it shall be, at the expense of the Bank, to make such examination, and count and ascertain, by the oath of the President and at least six of the Directors, that said money has been actually paid in, *bona fide*, as part of the capital stock of the Bank, and forthwith to make due return thereof to the Governor, who, on the sum of five hundred thousand dollars appearing to have been actually paid in, as part of the capital stock of said Bank, in gold and silver, and in notes of the Bank of the United States, of which two hundred thousand dollars shall be in gold or silver, and three hundred thousand dollars in notes of the Bank of the United States, shall cause proclamation to be made to that effect, and published in one of the newspapers printed in Frankfort, and one printed in Louisville, at the expense of the Bank; and on the first publication of such proclamation, it shall be lawful for said Bank to commence its business operations as a banking institution, and not before.

Mr. Fleming moved to amend the said section, by striking out these words, "*and in notes of the Bank of the United States, of which two hundred thousand dollars shall be in gold or silver,*" printed in italics.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fleming and Hardin, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Churchill, Dougherty, Fleming, Gholson, Murrell, Rudd, Thorton, Wood—10.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Clark, Conner, Cunningham, Dejarnatt, George, Griffith, Guthrie, Hardin, Harris, James, Murray, H. Owsley, W. Owsley, Parks, Payne, Rodman, Sisk, Taylor, Thompson, Wickliffe—24.

A part of the second section of said bill reads as follows, viz:

That said Bank shall have and keep an Office of Discount and Deposit in the City of Louisville, *and at no other place, where its banking business shall be transacted, and its books and accounts, journals and records, shall be kept.*

Mr. Bibb moved to amend the said section, by striking out the words printed in italics, and to insert in lieu thereof the following:

And within a reasonable time after said principal Bank shall go into operation, it shall establish offices of discount and deposit at two separate places in the state: one to be located at some suitable place on the South side of Green river, to be selected by the President and Directors of the mother Bank, having due regard to centre of position, commercial advantages, and banking accom-

modations, in that grand division of the state, with a capital of not less than two hundred thousand dollars; and one to be located on the North side of the Kentucky river, at some suitable place, to be selected in like manner, and with like regard to central position commercial advantages, and bank accommodation, in the Northern grand division of the state, with a capital of not less than four hundred thousand dollars; and at each of which said offices of discount and deposite, banking business shall be transacted, and the books of accounts, journals, and records of each office shall be kept.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Murrell and Bibb, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Campbell, Cunningham, Fleming, Murray, Murrell, Taylor, Wickliffe, Wood—10.

NAYS—Messrs. Beatty, Boyd, Brown, Churchill, Clark, Conner, Dejarnatt, Dougherty, George, Gholson, Griffith, Guthrie, Hardin, Harris, James, H. Owsley, W. Owsley, Parks, Payne, Rodman, Rudd, Sisk, Thompson, Thornton—24.

Mr. Churchill moved to amend the said bill, by striking out the 19th section, which is as follows, viz:

Sec. 19. *Be it further enacted*, That the commonwealth of Kentucky shall have power, at any time within five years from and after the passage of this act, to add to the capital stock of said Bank any amount of shares not exceeding five thousand, and to cause the same to be subscribed and taken on behalf of the commonwealth; and upon the stock or any part thereof being so subscribed and paid for, the commonwealth shall have all the rights, privileges and benefits, which are vested in the stockholders, and no more. And the stock of the state shall be voted upon by any person authorised by law.

And the question being taken on the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fleming and Churchill, were as follows, viz:

YEAS—Messrs. Churchill, George, Wickliffe—3.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Rudd, Sisk, Taylor, Thompson, Thornton, Wood—31.

Mr. W. Owsley moved to amend the said bill, by adding thereto the following section, viz:

*Be it further enacted*, That the General Assembly reserves to it-



self the right, at any time, to repeal this charter for any violation of its provisions.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Murrell and W. Owsley, were as follows, viz:

YEAS—Messrs. Bibb, Churchill, Cunningham, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Wood—14.

NAYS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Clark, Conner, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Thornton—19.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Boyd, Brown, Campbell, Churchill, Clark, Conner, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Thornton—18.

NAYS—Messrs. Bibb, Cunningham, Dejarnatt, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Wickliffe, Wood—16.

The amendments proposed by the House of Representatives to bills from the Senate, of the following titles, were twice read and concurred in, viz:

An act to amend and continue in force an act, to incorporate the City of Louisville.

An act to incorporate the Louisville and Bonharbour Coal Company.

Bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Daniel and Elizabeth Royalty; and

An act to amend the act, entitled, an act to improve the navigation of Salt river, approved the 22d day of Dec. 1831.

Were each read the second time.

The former was referred to the committee of religion: and the latter was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the latter bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act to amend the law giving compensation to witnesses, and to increase their mileage; and

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

Were each read the third time.

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Resolutions from the House of Representatives in relation to the road leading from Lexington, through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy, and a resolution in relation to burning the notes of the Bank of the Commonwealth, were each twice read: the former was concurred in, and the latter referred to the committee of finance.

A bill from the House of Representatives, entitled, an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth, was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Murray, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Campbell, Churchill, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Radd, Sisk, Taylor, Thompson, Thornton, Wood—31.

NAY—Mr. Wickliffe—1.

The rule of the Senate, constitutional provision, and second reading of the said bill was dispensed with.

And then the Senate adjourned.

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### MONDAY, JANUARY 28.

The Senate assembled.

Mr. Murray presented the petition of Nathaniel Reynolds, praying compensation for having supported an idiot daughter; which was received, and referred to the committee of finance.

Mr. Guthrie, from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives, entitled, an act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county, reported the same without amendment.

The said bill is as follows, viz:

Whereas, it is represented to the present General Assembly, that a majority of the citizens of Hickman county are much dissatisfied with the location of their present seat of justice, and set forth in their petition, that it would be greatly to the interest of the people of said county to be allowed, by an act of the General Assembly, an opportunity of expressing their opinions as to the removal

of their seat of justice from Clinton to the town of Moscow, by the election of the qualified voters of said county—Therefore,

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the county court of Hickman shall, at their March or May term, appoint judges and clerks, as in cases of elections for members to the General Assembly, whose duty it shall be to attend the respective precincts or places of voting in said county: and after being first duly qualified, as in other cases of elections, shall, on the first Monday and Tuesday in the month of June, 1833, open polls for the reception of the votes of the free and legally qualified voters of said county: that is to say, one column for the town of Clinton, and one column for the town of Moscow: which polls shall be opened and closed at the same hours in said days, and the election in every respect conducted in the same manner as is now required by law in cases of elections for members of the General Assembly: *Provided,* That it shall also be the duty of the county court to assign to each district a sheriff, deputy sheriff, or some other person, appointed and qualified by the court for that purpose, whose duty it shall be to attend upon the polls, and conduct the election as in other cases; and in case of the failure of either of the judges, or of the clerk of the precinct to which he may be assigned to attend, the officer attending shall appoint and qualify some other fit person to act in his or their stead: *And provided further,* That in case of the failure of the sheriff or other person appointed to attend, it shall be the duty of the judges of the election to appoint and qualify some fit person to act in his place.

Sec. 2. *Be it further enacted,* That it shall be the duty of the sheriff of Hickman county to set up written advertisements of said election, at four of the most public places in said county: which shall be done at least one month previous to the time of holding the election.

Sec. 3. *Be it further enacted,* That it shall be the duty of the said sheriff, or other persons appointed for that purpose, to meet and compare the said polls at the court-house in the town of Clinton, on the first Thursday succeeding the election: after which the sheriff of said county shall make out a written certificate, under his hand and seal, specifying the result of said election, and the distinct number of votes given for each of the places voted for, which certificate shall be by him returned to the justices of the county court for said county at their next term. who shall forthwith cause an order to be made, putting the said certificate upon record: and the same shall ever afterwards be considered and held as conclusive evidence of the result of said election.

Sec. 4. *Be it further enacted,* That if at said election there shall be given a majority of one hundred and fifty votes of the legal and qualified votes of said county for the town of Moscow, it shall be



the duty of the clerks of the circuit and county courts to remove all public books, papers and records of said county, to the town of Moscow, within ten days after notice has been given to said clerks by the sheriff of Hickman county, or by some one deputed by him for that purpose, that the said people of said town have subscribed, or procured the subscription of the sum of two thousand dollars by good and solvent men, and made payable to the justices of the Hickman county court, and their successors in office, for the purpose of aiding said county in the erection of public buildings in the town of Moscow, which sum of money shall be payable in two annual instalments; that is to say, one thousand dollars to be paid within one year after the above named election, and the other thousand dollars within two years thereafter: *Provided, however,* That it shall be the duty of the trustees of the town of Moscow to furnish a house for the holding the circuit and county courts of said county, until public buildings can be erected by the county court thereof.

Sec. 5. *Be it further enacted,* That after compliance with the foregoing provisions of this act, the circuit and county courts of said county shall be holden at the town of Moscow, which shall be, and ever afterwards remain, the permanent seat of justice of said county.

Sec. 6. *Be it further enacted,* That the judges, clerks and sheriffs, or other persons appointed to conduct the aforesaid election, shall receive each one dollar per day, for every day they may necessarily be engaged in attending the same and comparing the polls thereof, to be paid out of the county levy of Hickman county.

Mr. James moved to amend the said bill, by striking it all out after the enacting clause, and inserting in lieu thereof the following, viz:

Sec. 1. That the legal and qualified voters of the county of Hickman shall have the privilege, at their election for members of the General Assembly of this commonwealth, in August, 1833, to meet at their respective precincts in said county and vote, *viva voce*, whether their seat of justice shall be removed to the town of Moscow, or remain at the town of Clinton.

Sec. 2. *Be it further enacted,* That the judges appointed by the county court of Hickman to superintend the election for members to the General Assembly of this commonwealth, in August, 1833, shall open two columns on their poll-book, one for the town of Moscow, and one for the town of Clinton, and shall permit the qualified voters of said county to vote for the removal of said seat of justice to Moscow, or remain at Clinton; and the laws now in force, in regard to the election of members of the General Assembly of this commonwealth, shall govern and direct the judges, sheriffs and clerks of said county, in holding said election for removing said seat of justice.

Sec. 3. *Be it further enacted,* That if at said election there shall

be given a majority of one hundred and fifty votes of the legal and qualified votes of said county for the town of Moscow, then, and in that event, the said seat of justice shall be and remain permanent at the town of Moscow: *Provided, however,* That the sum of two thousand dollars be paid, or secured by bond, with security approved by a majority of the justices of the peace of said county, said bond payable to the justices of said county court of Hickman in two annual instalments, viz: one thousand dollars of said money payable one year after the first Monday in August, 1833, and one thousand dollars payable in twelve months after the first Monday in August, 1834.

Sec. 4. *Be it further enacted,* That the clerks of the county and circuit courts of said county of Hickman shall, when notified in writing, by the county court, that the town of Moscow has received a majority of one hundred and fifty votes, and that the aforesaid sum of two thousand dollars has been paid, or secured to said county court, remove the records and papers belonging to their respective offices to the town of Moscow, within ten days after the service of said notice: *Provided, however,* That suitable houses or rooms be prepared, by said county court of Hickman, for said records and papers.

Sec. 5. *Be it further enacted,* That nothing in the foregoing act shall be construed to take effect until the first Monday in March, 1834, except the election hereby provided for.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and James, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Brown, Clark, Fleming, George, Gholson, Griffith, James, Murray, Murrell, H. Owsley, W. Owsley, Payne, Stephens, Thompson, Wickliffe, Wingate—18.

NAYS—Messrs. Beaseman, Campbell, Churchill, Conner, Cunningham, Dejarnatt, Dougherty, Guthrie, Hardin, Harris, Parks, Rodman, Rudd, Sisk, Taylor, Thornton, Wood—17.

Mr. W. Owsley moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Hardin, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Clark, Conner, George, Gholson, Murray, Murrell, H. Owsley, W. Owsley, Rudd, Thompson, Wickliffe, Wingate, Wood—15.

NAYS—Messrs. Beaseman, Beatty, Campbell, Churchill, Cunn-

ham, Dougherty, Fleming, Griffith, Guthrie, Hardin, Harris, James, Parks, Payne, Rodman, Sisk, Stephens, Taylor, Thornton—19.

The question was then taken on reading the said bill a third time, and it was decided in the affirmative; the Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. Clark and James, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Campbell, Churchill, Cunningham, Dougherty, Fleming, Griffith, Guthrie, Hardin, Harris, James, Parks, Rodman, Sisk, Stephens, Taylor—17.

NAYS—Messrs. Bibb, Brown, Clark, Conner, George, Gholson, Murray, Murrell, H. Owsley, W. Owsley, Payne, Rudd, Thompson, Thornton, Wickliffe, Wingate, Wood—17.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate, for your advice and consent, the following gentlemen, to be commissioned to fill the offices respectively annexed to their names:

CHARLES S. MOREHEAD, to be Attorney General for the State of Kentucky.

JAMES CRAWFORD, to be Attorney for the Commonwealth in the First Judicial District. WILLIAM K. WALL, in the Second. JAMES COWAN, in the Third. MASON BROWN, in the Fourth. JOSEPH HOLT, in the Fifth. ALEXANDER R. MACY, in the Sixth. JAMES W. EWING, in the Seventh. WILLIAM T. WILLIS, in the Eighth. WILLIAM B. BOOKER, in the Ninth. WM. C. GOODLOE, in the Tenth. RICHARD H. MANIFEE, in the Eleventh. HORATIO BRUCE, in the Twelfth. BENJAMIN CHAPEZE, in the Thirteenth. J. H. MCHENRY, in the Fourteenth. JAMES S. HENDERSON, in the Fifteenth. ROBERT A. PATTERSON, in the Sixteenth.

GARNET DUNCAN, to be Notary Public for the City of Louisville.

SKELTON RENFRO, to be keeper of the Wilderness Turnpike gate.

JOHN BREATHITT.

*Resolved*, That the Senate advise and consent to the appointments of Garnet Duncan, as Notary Public for the City of Louisville, and Skelton Renfro, as keeper of the Wilderness Turnpike gate.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

The other nominations contained in the said message were referred to a committee of Messrs. Hardin, Fleming, Cunningham, Beatty and Wingate.

The messages in writing, received from the Governor on the 26th instant, were taken up and read, as follows, viz:



EXECUTIVE DEPARTMENT,  
January 25, 1833. }

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Tucker W. Raysdale, to be Colonel of the 49th Regiment, K. M., Richard Elliott, to be Lieutenant Colonel, William S. Taylor, to be Major of said Regiment.

JOHN BREATHITT.

EXECUTIVE DEPARTMENT,  
January 26, 1833. }

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Thomas Mitchell, to be Notary Public for the City of Louisville.

JOHN BREATHITT.

*Resolved,* That the Senate advise and consent to the said appointments.

*Ordered,* That Mr. Guthrie inform the Governor thereof.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.

Mr. Hardin moved to refer the said bill to the committee of finance.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Conner, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Churchill, Clark, Conner, Cunningham, Fleming, George, Guthrie, Hardin, Harris, Murray, H. Owsley, Parks, Rudd, Sisk, Taylor, Thompson, Thornton, Wickliffe, Wood—21.

NAYS—Messrs. Beaseman, Beatty, Bibb, Dejarnatt, Dougherty, Cholson, Griffith, James, Murrell, W. Owsley, Payne, Rodman, Stephens—13.

A bill for the benefit of the Lexington and Ohio Rail Road Company was amended, and ordered to be engrossed, and read a third time to-morrow.

The question being taken on reading a bill from the House of Representatives, entitled, an act to establish the town of Alexandria, in the county of Campbell, a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Rudd moved the following preamble and resolution, viz:

This Senate has read with the most unqualified approbation, the annunciation by the President of the United States in his late Proclamation, that the threatened rebellion in South Carolina should be suppressed, the Federal Union preserved, and the supremacy of the Constitution and Laws maintained; and we had hoped, that the luminous and correct exhibition of the principles of our

excellent government, and the importance of maintaining it, as established by the people, and the determination of the Chief Magistrate to take care the laws be faithfully executed, as declared in that well-timed document, would have had the proper effect on the disaffected Carolinians, and rallied every patriotic citizen to the standard of his country, resolved to maintain the integrity of the Union; but these hopes have not been realized; the just rebuke seems to have increased the rebellious spirit, whilst the absurd theories, by which these excited people have been so strangely misled, have found advocates elsewhere. We deplore the necessity of coercion, but by the love we bear our common country, and by that allegiance which binds us to the government of that union upon which our liberties depend, we pledge ourselves to maintain the supremacy of the laws, and to give the President of the United States a united support in the exercise of all constitutional means to preserve the Union, cost what blood or treasure it may.

In this crisis, it is important that all the people understand well the principles of our government, and the relations they bear to its constituted authorities, and that they have before them the plain chart of the patriotic principles of action, and the great end to be accomplished by the Chief Magistrate of the Nation, who now unfurls the national banner, and bears the standard of the American Union. Therefore—

*Be it resolved,* That ten thousand copies of the late Message of the President of the United States to Congress, and his Proclamation, warning the people of South Carolina against an attempt to execute the revolutionary menaces proposed by their late Convention and General Assembly, and calling upon the people of the several States to stand forth in support of our sacred Union, be printed for the use of the Senate and distributed among the people of Kentucky.

Which was twice read, and referred to the same committee to whom was referred the message of the Governor received on the 22d ultimo.

*Ordered,* That the public printer print one hundred and fifty copies thereof, for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act to establish the Louisville Bank of Kentucky, was read the third time as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Campbell, Churchill, Clark, Conner, Dougherty, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Stephens, Thornton, Wingate—18.

NAYS—Messrs. Bibb, Brown, Cunningham, Dejarnatt, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Sisk, Taylor, Thompson, Wickliffe, Wood—17.

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to connect the towns of Newport and Covington with Cincinnati, by a bridge, was laid on the table.

Bills from the House of Representatives, entitled,

An act for the benefit of Lewis Strader and David Strader.

An act for the benefit of Stephen Tuders; and

An act to amend an act, entitled, an act to authorise the establishment of private passways, approved December 13, 1820.

Were read the first time; and the question being taken on reading the said bills a second time, it was decided in the negative; and so the said bills were disagreed to.

Bills from the House of Representatives, entitled,

An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

An act supplementary to an act, entitled, "an act to establish the town of Taylorsville, and to legalise the proceedings of the trustees of said town, approved January 22d, 1833.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act to establish an election precinct in Bourbon county.

An act to amend an act, entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29th, 1830.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, having obtained leave, reported a bill to amend the Penal Laws; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of courts of justice.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in that house, of the following titles, viz:

An act to incorporate the city of Maysville.

An act concerning the town of Adairsville.

An act to amend an act, entitled, an act for the benefit of revolutionary soldiers.



An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to incorporate a Rail Road Company from Bardstown to Louisville.

An act to appoint additional justices of the peace in certain counties, and for other purposes.

An act for the benefit of the infant heirs of Casper Hinton; and

An act authorising the sale of the slaves of infants.

And that they disagreed to the first, and concurred in the other amendments proposed by the Senate, to a bill from that house, entitled, an act to authorise the appointment of clerks in vacation.

*Resolved*, That the Senate insist on their said amendment; and Messrs. Hardin and Fleming were appointed a committee of conference thereon, on the part of the Senate.

A message was also received from the House of Representatives, announcing that they had passed bills and resolutions from the Senate, of the following titles, viz:

An act appointing commissioners to view and mark a way for a road, from the state road leading from Lexington to Ghent, to the town of Frankfort.

An act to amend an act, entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.

An act to incorporate the Greenwich Academy.

An act to repeal in part, and amend, the act incorporating the Lexington, Chilesburg and Winchester Road Company.

An act further to enlarge the powers of the trustees of the town of Harrodsburg.

An act for the benefit of the devisees of John Brannigan.

An act to authorise the Secretary of State to distribute certain Military books.

An act concerning Mt. Carmel, in Fleming county.

An act concerning county levies in certain counties.

An act for the benefit of the widow and heirs of Walker Thornton, deceased.

An act to authorise the trustees of Cynthiana to close an alley in said town.

An act to extend the powers of the road commissioners of Bracken county.

An act to amend the several acts against unlawful gaming; and

An act to repeal the law now in existence in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement.

With amendments to the two latter bills; the said amendments were twice read and concurred in.

Resolutions concerning the opening and improving the navigation of Cumberland and Kentucky rivers; and

Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers.

With an amendment to the former resolutions.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills and resolutions, of the following titles, viz:

An act for the relief of the heirs of Francis P. Hord, deceased.

An act providing for settling the accounts with the keeper of the Penitentiary.

An act to authorise the Bourbon county court to levy a tax on the lands of the county.

An act for the benefit of the representatives of James Honaker, deceased.

An act for the relief of William Cecil and Benedict Morehead.

An act to amend an act, entitled, an act to incorporate the city of Lexington.

An act to enlarge and explain the powers of the trustees of the town of Frankfort.

An act to authorise the Clarke circuit court to decree the sale of two and one-half acres of land, devised to William S. Downey and others.

An act for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.

An act for the relief of the heirs of Anna Maria Walsh.

An act to incorporate the Louisville and Bonharbour Coal Company.

An act for the benefit of Fanny Richardson and her children.

An act to establish an election precinct in the county of Henry.

An act to change the places of voting in Everett's and Foreman's bottom precincts, in Lewis county; and

Resolutions in relation to the road leading from Lexington, through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy.

And had found them truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

On the motion of Mr. Fleming,

*Resolved*, That the committee of finance be requested to enquire into the expediency and propriety of passing a law, to extend the time until the month of December to permit sheriffs to pay their county levies and taxes, and return their delinquent lists.

The resolution to amend the joint rules of both houses, laid on the table by Mr. Guthrie on the 23d instant, was taken up, amend-

ed by inserting after the words "marriage contract," the words "if a resident of this state," and concurred in.

The vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Eliza Badger.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie moved the following addition to the rules of the Senate, viz:

That on motion to dispense with the rule of the Senate, or to the second or third reading of any bill or resolution, and to lay a bill or resolution on the table for the present, no debate shall be allowed; and after the affirmative and negative of any question has been put to the Senate, no debate shall be allowed, nor after the clerk has been directed to proceed with the call for the yeas and nays.

Which was twice read and laid on the table.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of James W. Ewing.
2. An act for the benefit of the children of Thomas Anderson.
3. An act to incorporate the Elizabethtown and Harrodsburg Savings Institutions; and
4. An act to change the time of holding certain circuit courts, and for other purposes.
5. An act to provide for the appointment of an additional Judge for the City of Louisville, and the circuit of Jefferson and Oldham counties.
6. An act to amend the law imposing tax on merchandize; and
7. An act to incorporate the Louisville Savings Institution.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first, second, third, fifth and seventh, to the committee of courts of justice; the fourth, to a committee of Messrs. Hardin, Churchill, Guthrie and Rodman; and the sixth to the committee of finance.

On the motion of Mr. Griffith, leave was given to bring in a bill to appropriate some of the vacant lands in Butler county, for the purposes of internal improvements in said county; and Messrs. Griffith, Cunningham and Bibb, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.



## TUESDAY, JANUARY 29.

The Senate assembled.

A message was received from the House of Representatives, requesting leave to withdraw the report of the passage of a bill from the Senate, entitled, an act appointing commissioners to view and mark a way for a road leading from the road from Lexington to Ghent, to the town of Frankfort.

Leave was given to withdraw the said report.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law imposing tax on merchandize, reported the same with an amendment.

The said amendment proposes to add to the bill the following section, viz:

*Be it further enacted*, That for the year 1833, and each and every year thereafter, there shall be levied and collected ten cents upon each one hundred dollars of taxable property: which sum shall be collected and accounted for, by the collectors of the public revenue, in the same manner, subject to the same conditions, limitations and restrictions, as are now prescribed by law for collecting the public revenue.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Murrell, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Churchill, Clark, Conner, Cunningham, Fleming, Griffith, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—20.

NAYS—Messrs. Beaseman, Beatty, Bibb, Dejarnatt, Dougherty, George, Gholson, James, Murray, Murrell, Rodman, Sisk, Wingate, Wood—14.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Hardin, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Churchill, Clark, Conner, Cunningham, Fleming, Griffith, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Parks, Payne, Rudd, Taylor, Thompson, Thornton, Wickliffe—20.

NAYS—Messrs. Beaseman, Beatty, Bibb, Dejarnatt, Dougherty, George, Gholson, James, Murray, Murrell, Rodman, Sisk, Wingate, Wood—14.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill to amend the penal laws, reported the same with amendments; which were twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. W. Owsley, the committee of courts of justice was discharged from the further consideration of the petition of Leonard Jones and Henry Banta: and the said petition was referred to the committee of finance.

Mr. Rodman, from the committee on military affairs, to whom was referred a bill from the House of Representatives, entitled, an act authorising the building of an arsenal for the security and preservation of the public arms, reported the same without amendment; the said bill was then referred to the committee of finance.

On the motion of Mr. Harris, leave was given to bring in a bill for the improvement of certain roads in Morgan county, and for other purposes; and Messrs. Harris, George and Churchill, were appointed a committee to prepare and bring in the same.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Griffith—A bill to appropriate some of the vacant lands in Butler county for the purposes of internal improvement in said county; and

By Mr. Harris—A bill for the improvement of certain roads in Morgan county, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Beatty moved that a message be sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that house, entitled, an act for the benefit of John Shields; and the question being taken on the said motion, it was decided in the negative.

A bill from the House of Representatives, entitled, an act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice of said county, was read the third time as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. Owsley and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Campbell, Churchill, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, Griffith, Guthrie, Hardin, Harris, James, Murray, Parks, Payne, Rodman, Sisk, Taylor—19.

NAYS—Messrs. Bibb, Clark, George, Gholson, Murrell, H. Owsley, W. Owsley, Rudd, Thompson, Thornton, Wingate, Wood—12.

*Resolved*, That the title of the said bill be as aforesaid.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

An engrossed bill, entitled, an act for the benefit of the Lexington and Ohio Rail Road Company, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rudd and Wickliffe, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Clark, Conner, Cunningham, Fleming, George, Guthrie, Hardin, Harris, H. Owsley, W. Owsley, Payne, Rodman, Taylor, Thornton, Wickliffe, Wingate—18.

NAYS—Messrs. Beaseman, Bibb, Churchill, Dejarnatt, Dougherty, Gholson, Griffith, James, Murray, Murrell, Parks, Rudd, Sisk, Thompson, Wood—15.

*Resolved*, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

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### WEDNESDAY, JANUARY 30.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Cumberland Hospital.

An act to remove the obstruction to navigation at the falls of Green river, and for other purposes.

An act to incorporate the Louisville Hotel Company.

An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks.

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

An act limiting the time for which persons may be held to bail for their good behaviour; and



An act to provide for improving the roads in the counties of Floyd and Perry.

With amendments to the three latter bills.

And that they had concurred in the fourth, sixth, ninth, tenth, eleventh, twelfth, thirteenth and seventeenth amendments, and disagreed to the first, second, third, fifth, seventh, eighth, fourteenth, fifteenth, sixteenth and eighteenth amendments, proposed by the Senate to a bill from that house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

And that they had passed bills of the following titles, viz:

1. An act to provide for the improvement of the road from Frankfort, via Lawrenceburg, Danville and Stanford, to the Crab Orchard.

2. An act providing for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes; and

3. An act to amend the law concerning alimony.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the second bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills from the House of Representatives, entitled, an act for the benefit of James W. Ewing; and an act for the benefit of the children of Thomas Anderson; reported the same with their opinion that the said bills ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative; and so the said bills were disagreed to.

Mr. W. Owsley, from the same committee, to whom was referred bills from the House of Representatives of the following titles:

An act to incorporate the Louisville Savings Institution; and

An act to incorporate the Elizabethtown and Harrodsburg Savings Institutions.

Reported the same with an amendment to the former bill; which was twice read and concurred in.

*Ordered*, That the said bills be read a third time.

Mr. Guthrie, from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change an election precinct in the county of Daviess, reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That the election precinct heretofore held at the house

of Thomas Gore, in the county of Daviess, shall be, and the same is hereby changed to, and shall be held at the house of John Russell, in said county: and the same rules and regulations shall be observed as heretofore.

The question being taken on again reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Fleming and Boyd, were as follows, viz:

YEAS—Messrs. Beaseman, Brown, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, Murray, Rudd, Sisk, Taylor, Wingate—12.

NAYS—Messrs. Beatty, Bibb, Boyd, Churchill, Clark, Conner, Cunningham, Fleming, George, Gholson, Hardin, Murrell, H. Owsley, W. Owsley, Parks, Payne, Rodman, Wickliffe, Wood—19.

Mr. Hardin, from the committee to whom was referred the preamble and resolution moved by Mr. Rudd on the 28th inst., made the following report, viz:

The select committee to whom was referred the preamble and resolution directing ten thousand copies of the Proclamation and Message of the President of the United States, in relation to the proceedings of South Carolina in nullifying the tariff laws, to be printed, has had the subject under consideration, and report:

That the printing the number of copies proposed by the resolution, of the Proclamation and Message, would cost about three hundred dollars, estimating it at thirty dollars per thousand. The committee would suggest that they are unable to perceive by what usage and practice of the Senate the printing of said papers can be sustained. They are not papers belonging to the Senate, and appertaining to their legislative business; nor have they been communicated to either branch of the Legislature, by either the President, Congress, or the Governor of the state. As a Senate, we know of no such papers: as individuals, we have read them in the newspapers. The Senate, in the opinion of the committee, has nothing to do with them in any form or shape. To publish them only because the political and constitutional doctrine may merit our approbation, is not warranted by precedent or propriety. We did not assemble as a Senate to search out for works useful and valuable, either in divinity or morals, politics or war, and have the same published and distributed at the expense of the people; and if we did, there are a variety of works in the range of literature and science that would claim equally our attention, and some—to wit: the Holy Scripture—a preference. The committee submit the following resolution:

*Resolved*, That said resolution ought not to be adopted.

The said report was twice read and laid on the table.

Mr. Hardin from the committee to whom referred preamble and

resolutions, in relation to nullifying acts of Congress by a single State of the Union, reported the same with amendment.

The said preamble and resolutions were laid on the table.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills and resolutions, of the following titles, viz:

An act further to enlarge the powers of the trustees of the town of Harrodsburg.

An act concerning county levies in certain counties.

An act for the benefit of the widow and heir of Walker Thornton, deceased.

An act to authorise the Secretary of State to distribute certain Military books.

An act to authorise the trustees of Cynthiana to close an alley in said town.

An act concerning the town of Mt. Carmel, in Fleming county.

An act for the benefit of the devisees of John Branigan.

An act to authorise the clerks of the county courts of Hopkins, Hancock and Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

An act to amend the act, providing for opening and keeping in repair the highways in the county of Fayette.

An act to repeal in part, and amend, the act incorporating the Lexington, Chilesburg and Winchester Road Company.

Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers; and

A resolution authorising the public Librarian to have certain acts of Assembly bound.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

Mr. Rudd, from the committee of enrolments, reported that the committee had examined sundry enrolled bills of the following titles, viz:

An act for the benefit of Flora N. C. Harding.

An act for the benefit of Stephen Langford.

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby.

An act to appoint additional justices of the peace in certain counties, and for other purposes.



An act for the benefit of the infant heirs of Casper Hinton.

An act to allow an additional justice of the peace to the county of Bath, and for other purposes.

An act to provide for the improvement of roads in certain counties.

An act to amend an act, entitled, an act for the benefit of revolutionary soldiers.

An act to amend the act, entitled, an act to improve the navigation of Salt river, approved the 22d day of Dec. 1831.

An act to amend the law giving compensation to witnesses, and to increase their mileage.

An act for the benefit of the infant heirs of Thomas Frazier, deceased; and

An act for the benefit of Stephen Marcum.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Rudd reported that the committee had performed that duty.

On the motion of Mr. Wingate, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that house, entitled, an act to amend an act, to authorise the establishing of private pass-ways, approved December 13, 1830.

The said bill having been returned to the Senate,

On the motion of Mr. Wingate, the vote was reconsidered by which it was disagreed to; and it was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to a committee of Messrs. Wingate, Thornton and Clark.

On the motion of Mr. Beatty, leave was given to bring in a bill for the benefit of Achilles Jasper, of Pulaski county; and Messrs. Beatty, James and Bibb, were appointed a committee to prepare and bring in the same.

After a short time, Mr. Beatty from the said committee reported the said bill; which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee on military affairs.

On the motion of Mr. W. Owsley, leave was given to bring in a bill for the benefit of the children of John Mizner, deceased; and Messrs. W. Owsley, Clark and H. Owsley, were appointed a committee to prepare and bring in the same.

The message in writing, received from the Governor on yesterday, was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

Having formed a new Regiment out of part of the 43d Regiment, to be styled the 126th Regiment, and to be attached to the 8th Brigade, I nominate, for your advice and consent, to be commissioned officers of said Regiment, the following gentlemen, viz:

Charles F. Barton, to be Colonel; John Walker, to be Lieutenant Colonel; Samuel Knox, to be Major.

John Davenport, to be Lieutenant Colonel of the 43d Regiment; Samuel Eccles, to be Major of the same.

JOHN BREATHITT.

*January 29th, 1833.*

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Mr. Thompson inform the Governor thereof.

Mr. Wickliffe read, and laid on the table, the following resolutions, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Librarian to remove the Public Library from where it is at present placed, and that he prepare the Committee Rooms on the lower floor of the Capitol as Library Rooms, and remove the books, papers, &c. into said rooms.

*Resolved further*, That the Superintendent of the public grounds and Capitol prepare, by stoves, &c. the present Library Rooms, for the use of the Legislature as Committee Rooms.

On the motion of Mr. Clark, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that house, entitled, an act for the benefit of Agnes B. Berry and children.

The said bill having been returned to the Senate,

On the motion of Mr. Clark, the vote by which it was disagreed to was reconsidered: and it was referred to the committee of courts of justice.

Mr. Hardin, from the committee to whom was referred the nomination of William Tompkins, as Circuit Judge in the place of Thomas T. Crittenden, deceased, made the following report, viz:

The committee to whom was referred the nomination of William Tompkins, to be Judge in the Fifth Judicial District in the place of Thomas T. Crittenden, deceased, has had said nomination under consideration, and report the following resolution:

*Resolved*, That the Senate do *not* advise and consent that William Tompkins shall be commissioned a Judge for the Fifth Judicial District.

Which being twice read, Mr. Gathrie moved to amend the said resolution by striking out the word "*not*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Guthrie and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Churchill, Dejarnatt, Dougherty, Gholson, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Sisk, Thompson, Wingate, Wood—16.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Fleming, George, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

The question was then taken on concurring in the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dougherty and Murray, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Fleming, George, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Churchill, Dejarnatt, Dougherty, Gholson, Guthrie, Harris, James, Murray, Parks, Rodman, Radd, Sisk, Thompson, Wingate, Wood—16.

*Ordered*, That Mr. Thompson inform the Governor thereof.

The amendment proposed by the House of Representatives to resolutions from the Senate, concerning the opening and improving the navigation of Cumberland and Kentucky rivers, was twice read and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act limiting the time for which persons may be held to bail for their good behaviour, were twice read.

The first amendment proposes to add to the bill the following section, viz:

*Be it further enacted*, That in all applications to bind over to keep the peace, or to be of good behaviour, it shall be the duty of the court or justice of the peace, before whom such application shall be pending, to hear testimony on the part of the defendant or defendants, if offered, proving or conducing to prove, that the application is vexatious or malicious, or for other cause ought not to be sustained; and the applicant may offer countervailing testimony; and said court or justice shall thereupon decide from all the evidence adduced, whether the defendant or defendants shall be so bound.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Thornton, were as follows, viz:



YEAS—Messrs. Beatty, Churchill, Clark, Conner, Cunningham, Dejar-natt, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, Parks, Rodman, Sisk, Taylor, Wingate, Wood—22.

NAYS—Messrs. Boyd, Brown, Dougherty, H. Owsley, W. Owsley, Payne, Thornton, Wickliffe—8.

The other amendment was then concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes, were twice read and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to provide for improving the roads in the counties of Floyd and Perry, were twice read.

The first and second amendments were disagreed to, and the third was concurred in.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Eli Gough, to be Sheriff of the county of Graves for the residue of the time of Frederick Farmer, who failed to execute bond as required by law.

JOHN BREATHITT.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Mr. James inform the Governor thereof.

A bill from the House of Representatives, entitled, an act to amend the law imposing tax on merchandize, was read the third time as amended.

And the question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Beatty, were as follows, viz:

YEAS—Messrs. Boyd, Brown, Churchill, Clark, Conner, Cunningham, Fleming, Griffith, Guthrie, Hardin, Harris, H. Owsley, Parks, Payne, Taylor, Thompson, Thornton, Wickliffe—18.

NAYS—Messrs. Beaseman, Beatty, Bibb, Dejar-natt, Dougherty, George, Gholson, James, Murray, Murrell, W. Owsley, Rodman, Rudd, Sisk, Wingate, Wood—16.

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to provide for balancing the accounts of the Treasury with the Bank

of the Commonwealth of Kentucky, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be read a third time, as amended.

Mr. Hardin moved to dispense with the rule of the Senate, constitutional provision, and third reading of the said bill.

The question being taken thereon, it was decided in the negative: four-fifths of the members not having voted therefor.

The yeas and nays being required thereon, by Messrs. Wickliffe and Griffith, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Clark, Coner, Cunningham, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Hardin, James, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Rudd, Sisk, Thompson, Thornton, Wingate, Wood—27.

NAYS—Messrs. Churchill, Dejarnatt, Harris, Murray, Parks, Taylor, Wickliffe—7.

The following bills from the House of Representatives were reported from the several committees to whom they were referred, with amendments to each, viz:

By Mr. Wingate—An act to amend an act, entitled, an act to authorise the establishing of private passways, approved December 13, 1820.

By Mr. Hardin—An act to change the time of holding certain circuit courts, and for other purposes; and

By Mr. Hardin, from the committee of finance—An act for the benefit of Jacob Miller, of Simpson county.

The said amendments were twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act authorising the building of an arsenal, for the security and preservation of the public arms, reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That an Arsenal shall be built on the North East corner of the public square in the town of Frankfort, of sufficient size to contain all the public arms belonging to the state of Kentucky; and that James Davidson, Peter Dudley and John Woods, be appointed commissioners to contract for, and superintend the erection of said building: who shall, before entering on the duties of their commission, give bond in the penalty of five thousand dollars for the faithful discharge of the duties assigned them; which bond

shall be prepared by the Secretary of State, and when executed be placed on file in his office.

Sec. 2. *Be it further enacted*, That said commissioners be authorised and instructed to cause the gun-house situated on the public square to be pulled down, and apply the materials as far as can be to the erection of the arsenal.

Sec. 3. *Be it further enacted*, That the Auditor of Public Accounts be, and he is hereby, authorised and directed, on the application of said commissioners, to issue his warrant on the Treasury for any sum not exceeding three thousand dollars, in Commonwealth's paper, which shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *Be it further enacted*, That the commissioners aforesaid shall be limited to the sum hereby appropriated, for the erection and completion of said building; and that they shall be entitled to such compensation for their services as the Legislature may adjudge reasonable and just, when said building shall be completed.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Conner and Wingate, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Dougherty, George, Gholson, Guthrie, Murray, Payne, Rodman, Wingate—14.

NAYS—Messrs. Conner, Cunningham, Dejarnatt, Fleming, Griffith, Hardin, Harris, Murrell, H. Owsley, W. Owsley, Parks, Rudd, Sisk, Taylor, Thompson, Thornton, Wood—17.

Mr. Rodman, from the committee on military affairs, to whom was referred a bill for the benefit of Achilles Jasper, of Pulaski county, reported the same with an amendment; which was twice read and concurred in.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave having been obtained, the following bills were reported:

By Mr. Guthrie—A bill for the benefit of the Grand Lodge of Kentucky.

By Mr. H. Owsley—A bill to change the name of James Harvey; and

By Mr. W. Owsley, from the committee appointed for that purpose—A bill for the benefit of the children of John Mizner, dec'd.

Which were severally read the first time, and ordered to be read a second time.



The rule of the Senate, constitutional provision, and second and third readings of the two latter bills having been dispensed with,  
*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

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THURSDAY, JANUARY 31.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had receded from the first and second amendments proposed by them to a bill which originated in the Senate, entitled, an act to provide for the improving the roads in the counties of Floyd and Pike: and had passed bills and a resolution of the following titles, viz:

1. An act for the improvement of the navigation of Big Caney, a branch of Rough creek.

2. An act to legalise the proceedings of the court of assessment for the 34th Regiment, K. M.

3. An act to authorise the insertion of advertisements in "The Commonwealth."

4. An act to amend the penal laws.

5. An act for the benefit of Arch Lewis, a free man of color; and

A resolution in relation to an arsenal for the security of the public arms and accoutrements.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the fourth bill having been dispensed with, it was referred to the committee of courts of justice.

The rule of the Senate, constitutional provision, and second and third readings of the second and third bills, having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that house, of the following titles, viz:

An act to amend an act, entitled, an act to authorise the establishment of private passways, approved December 13, 1820; and

An act for the benefit of Jacob Miller, of Simpson county.

And that they had disagreed to the amendments proposed by the Senate to bills from that house, entitled,

An act to amend the law imposing tax on merchandize.

An act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county; and

An act to change the time of holding certain courts, and for other purposes.

And that they had passed bills from the Senate, entitled,

An act to amend the law prohibiting the importation of slaves into this state.

An act to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company; and

An act to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements of Shelby county, and for other purposes.

Mr. James presented the petition of Thomas Stokes, praying that a mistake, in granting a quarter section of land West of the Tennessee river to Francis Runnels, may be corrected: which was received, and referred to the committee of courts of justice.

Mr. Guthrie, from the committee of courts of justice, to whom was referred a bill to establish a Medical Institute in the city of Louisville, reported the same without amendment.

*Ordered*, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the appointment of an additional Judge for the city of Louisville, and the circuit of Jefferson and Oldham counties, reported the same without amendment.

The said bill was amended, and Mr. Fleming moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fleming and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Brown, Cunningham, Dejarnatt, Fleming, Griffith, James, Murrell, Parks, Payne, Rudd, Thornton, Wickliffe—13.

NAYS—Messrs. Beatty, Boyd, Churchill, Clark, Dougherty, George, Gholson, Guthrie, Hardin, Harris, Murray, H. Owsley, W. Owsley, Rodman, Taylor, Thompson, Wihgate, Wood—18.

The said bill was then laid on the table.

Mr. Wood, from the committee of religion, to whom was refer-

red a bill from the House of Representatives, entitled, an act for the benefit of Daniel and Elizabeth Royalty, reported the same, with their opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Hardin, from the committee of finance, to whom was referred the resolution to enquire into the expediency of extending the time until December, for sheriffs to pay levies and taxes, and return their delinquent lists, reported that it was inexpedient to legislate on the subject; which report was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petition of Nathaniel Reynolds, reported that the said petition be rejected; which report was concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act appropriating a portion of the vacant lands in the district of country West of the Tennessee river for the purpose of education, or of making certain improvements in said district, reported the same, with their opinion that it ought not to pass.

The said bill is as follows, viz:

Whereas, most or all the counties of this commonwealth, (except the counties West of the Tennessee river,) have had to them appropriated, by acts of the General Assembly, the quantity of six thousand acres of land each, for the endowment of certain academies and seminaries of learning, and for other purposes: and it being but just and reasonable that the said counties West of the Tennessee river should receive an equal and equivalent appropriation of lands, to be applied by said counties to such purposes as they respectively may deem most expedient for the advancement of their best interests. Wherefore—

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the following quantities of vacant and unoccupied land, in the district of country West of the Tennessee river, shall be, and the same is hereby, appropriated to the several counties of said district, to wit: To the county of Calloway, the full quantity of six thousand acres; to the county of Hickman, six thousand acres; to the county of Graves, six thousand acres; to the county McCracken, six thousand acres.

*Sec. 2. Be it further enacted,* That each of the county courts of said district shall, at such time as they may think proper, appoint two or more commissioners, (any one of whom may act after first being duly sworn,) who shall proceed to select and locate the said lands above appropriated: which lands, when selected, shall be entered with the Receiver of Public Moneys for said district, who shall give certificates therefor, as in other cases, free from the payment of the state price, upon which certificates the Register shall issue patents, to the justices of the said county courts respectively,



for their respective portions of land, vesting the same in said justices and their successors in office, in trust, for the use and benefit of their respective counties; and the said commissioners shall be entitled to, and receive, such compensation for their services as the said county courts in their discretion may think proper to allow, to be paid out of the county levy of the county for which they shall be appointed.

Sec. 3. *Be it further enacted*, That the county court of any county in said district of country, a majority of all the justices thereof being present, may, at any time which said court may think proper, make such order for the disposal of their portion of the lands appropriated by this act, in such manner and at such time as said court may deem expedient: *Provided*, That such disposal shall be for the purpose of building and constructing such bridge or bridges, or otherwise improving the roads of said district, or of removing the obstructions out of such navigable streams in said district, or for the purpose of establishing and giving effect to such seminaries of learning, or other institutions, calculated to promote the cause of education, as any or either of said counties may in their discretion think most proper and expedient: for the accomplishment of any of which objects, the said county courts respectively shall have full and complete power to carry the same, or either of them, into effect, in such manner as they may in their discretion direct and deem most expedient.

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and James, were as follows, viz:

YEAS—Messrs. Beaseman, Clark, Conner, Cunningham, George, Hardin, Murrell, H. Owsley, Parks, Rodman, Rudd, Taylor, Thompson, Wickliffe—14.

NAYS—Messrs. Bibb, Boyd, Brown, Churchill, Dejarnatt, Dougherty, Gholsen, Harris, James, Murray, W. Owsley, Payne, Wood—13.

Mr. Hardin, from the same committee, to whom was referred the petition of John Spence, reported that the prayer of the petitioner ought not to be granted.

Mr. Rudd moved to reverse the said report; and the question being taken thereon, it was decided in the negative; and so the said report was concurred in.

The yeas and nays being required thereon, by Messrs. Rudd and Hardin, were as follows, viz:

YEAS—Messrs. Beatty, Clark, Payne, Rudd—4.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Churchill, Conner,

Cunningham, Dejarnatt, Dougherty, George, Gholson, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rodman, Taylor, Thornton, Wickliffe, Wood—24.

Mr. Hardin, from the same committee, reported a bill for the benefit of Alexander McDaniel and associates; which was read the first time, and ordered to be read a second time.

Hr. Hardin, from the same committee, reported the following resolution, viz:

*Resolved*, That the Auditor of Public Accounts be, and he is hereby, directed to report to the next General Assembly, during the first week of its session, the amount of non-resident lands that have been forfeited or stricken off to the commonwealth for non-payment of taxes, and the amount of taxes and interest thereon.

Which was twice read and concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of Isaac Smith, reported the same, with their opinion that it ought not to pass.

The said bill is as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts is hereby directed to issue his warrant on the Treasury, in favor of Isaac Smith, for the sum of thirty dollars: it being the amount of said Smith's expenses in going to the State of Tennessee, under the authority of the Governor of this State, in 1829, to demand James Hogg *alias* James McChord, a fugitive from justice.

And the question being taken on engrossing the said bill, and reading it a third time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Payne and Boyd, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Clark, Cunningham, Gholson, Harris, Murrell, H. Owsley, Parks, Payne, Rodman, Wood—12.

NAYS—Messrs. Beaseman, Boyd, Brown, Churchill, Conner, Dejarnatt, Fleming, George, Griffith, Hardin, Murray, Taylor, Thompson, Thornton—14.

Mr. Hardin, from the same committee, to whom was referred a bill to amend an act, incorporating a company to turnpike a road from Frankfort to Lexington, approved January 29th, 1830, reported the same, with their opinion that it ought not to pass.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

Mr. Hardin, from the same committee, to whom was referred a bill to improve the South fork of Kentucky river, from its junction with the North fork to Goose creek salt-works, reported the same, that it ought not to pass.

And the question being taken on engrossing the said bill, and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Beatty, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Clark, Dejarnatt, George, Gholson, Griffith, Harris, James, H. Owsley, W. Owsley, Parks, Payne, Thornton, Wickliffe, Wingate—17.

NAYS—Messrs. Beaseman, Brown, Churchill, Conner, Dougherty, Fleming, Guthrie, Hardin, Murray, Murrell, Rodman, Rudd, Sisk, Taylor, Thompson, Wood—16.

Mr. Hardin, having obtained leave, reported bills of the following titles, viz:

A bill for the benefit of Samuel T. Fife, constable of Grayson county; and

A bill to regulate the terms of the Jefferson circuit and Oldham courts.

The said bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Fleming,

*Resolved*, That the public printer be requested to print two thousand copies of the Titles of the Acts passed during the present session, and a summary of the provisions of each act, for the use of the Senate.

The yeas and nays being required on the adoption of the resolution, by Messrs. Wickliffe and Churchill, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Dougherty, Fleming, George, Gholson, Griffith, Hardin, James, Marrell, Parks, Payne, Rodman, Rudd, Sisk, Taylor, Wood—17.

NAYS—Messrs. Beatty, Boyd, Churchill, Clark, Dejarnatt, Murray, W. Owsley, Thompson, Thornton, Wickliffe—10.

*Resolved*, That the Senate recede from all the amendments proposed by them, which were disagreed to by the House of Representatives, to a bill from that house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

Mr. Hardin moved that the Senate recede from the amendment proposed by them to a bill from the House of Representatives, entitled, an act to amend the law imposing tax on merchandize.

Mr. Guthrie moved to lay the said bill and amendment on the table until the first day of June next.



And the question being taken on the motion of Mr. Guthrie, it was decided in the negative; the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Clark, Conner, Dougherty, George, Guthrie, Harris, James, Parks, Payne, Rodman, Sisk, Taylor, Thornton, Wickliffe—16.

NAYS—Messrs. Bibb, Churchill, Cunningham, Dejarnatt, Fleming, Gholson, Griffith, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Rudd, Thompson, Wingate, Wood—16.

The question was then taken on receding from the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Guthrie, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Churchill, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin, Harris, Murray, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Thompson, Wingate, Wood—22.

NAYS—Messrs. Boyd, Clark, Conner, Guthrie, James, Parks, Payne, Sisk, Taylor, Thornton, Wickliffe—11.

Mr. Dougherty moved to reconsider the last vote; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Dougherty, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Clark, Conner, Dougherty, George, Guthrie, James, Parks, Payne, Sisk, Taylor, Thornton, Wickliffe—14.

NAYS—Messrs. Beatty, Bibb, Churchill, Cunningham, Dejarnatt, Fleming, Gholson, Griffith, Hardin, Murray, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Thompson, Wood—17.

Mr. Hardin moved that the Senate recede from the amendment proposed by them to a bill from the House of Representatives, entitled, an act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of said county.

Mr. James moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken on the motion of Mr. James, it was decided in the negative; the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and James, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Clark, Fleming, George, Gholson, James,

Murray, H. Owsley, W. Owsley, Rudd, Thompson, Wickliffe, Wingate, Wood—15.

NAYS—Messrs. Beaseman, Boyd, Churchill, Cunningham, Dejarnatt, Dougherty, Griffith, Hardin, Harris, Murrell, Parks, Rodman, Sisk, Taylor, Thornton—15.

The question was then taken on receding from the amendments of the Senate, and it was decided in the affirmative; the Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. James and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Churchill, Conner, Cunningham, Dejarnatt, Griffith, Guthrie, Hardin, Harris, Murrell, Parks, Rodman, Sisk, Taylor, Thornton—16.

NAYS—Messrs. Bibb, Brown, Clark, Dougherty, Fleming, George, Gholson, James, Murray, H. Owsley, W. Owsley, Rudd, Thompson, Wickliffe, Wingate, Wood—16.

A bill from the House of Representatives, entitled, an act to incorporate the Louisville Savings Institution, was read the third time as amended.

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Elizabethtown and Harrodsburg Savings Institutions, was read the third time.

And the question being taken on the passage of the said bill, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Conner and Thompson, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Clark, Dejarnatt, George, Guthrie, Harris, Murray, W. Owsley, Rodman, Rudd, Thompson, Wingate—13.

NAYS—Messrs. Boyd, Brown, Churchill, Conner, Cunningham, Fleming, Gholson, Griffith, Hardin, Murrell, H. Owsley, Payne, Taylor, Thornton, Wood—15.

On the motion of Mr. Beatty, a bill supplemental to an act passed at the present session of the General Assembly, appropriating money for improving the navigation of Cumberland river, was laid on the table.

A bill from the House of Representatives, entitled, an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth, was read the third time as amended.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and W. Owsley, were as follows, viz:

YEAS—Messrs. Clark, Guthrie, Hardin, Harris, Murray, Parks, Payne, Taylor, Thornton, Wickliffe—10.

NAYS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Churchill, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Rodman, Rudd, Sisk, Thompson, Wingate. Wood—23.

*Resolved*, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill for the benefit of the Grand Lodge of Kentucky was read the second time, and ordered to be engrossed, and read a third time to-morrow.

Bills from the House of Representatives of the following titles, viz:

An act to provide for the improvement of the road from Frankfort, via Lawrenceburg, Danville and Stanford, to the Crab Orchard; and

An act to amend the law concerning alimony.

Were each read the second time and referred: the former to the committee of internal improvements; and the latter to the committee of courts of justice.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act concerning the town of Adairsville.

An act authorising the sale of slaves in certain cases.

An act to remove the obstruction to navigation at the falls of Green river, and for other purposes.

An act to incorporate the city of Maysville.

An act to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements of Shelby county, and for other purposes.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to incorporate the Greenwich Academy.

An act to amend an act, entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.

An act to authorise the trustees of the town of Richmond to levy a tax, to McAdamize the streets.



An act for the benefit of Spencer Curd's representatives.

An act to extend the powers of the road commissioners of Bracken county.

An act to repeal the law now in existence in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvment.

An act authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave.

An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks.

An act limiting the time for which persons may be held to bail for their good behaviour.

An act for the benefit of the Cumberland Hospital.

An act providing for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes.

An act authorising the sale of the slaves of infants.

An act to amend an act, entitled, an act to authorise the establishment of private passways, approved Dec. 13, 1820.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

And then the Senate adjourned.

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### FRIDAY, FEBRUARY 1.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills, which originated in that house, of the following titles, viz:

An act to establish a State Bank.

An act for the improvement of the public roads in Monroe, Allen and Barren counties.

An act for the benefit of the heirs of the late Charles Humphreys; and

An act to improve the navigation of Big Sandy river.

And bills which originated in the Senate of the following titles, viz:

An act to amend the law concerning champerty.

An act to amend the law regulating proceedings in cases of ejectments, and forcible entries and detainers.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act to divide the State into Congressional Districts.

An act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.

With amendments to the latter bill.

And that they had concurred in the amendment proposed by the Senate to a bill from that house, entitled, an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.

And that they had disagreed to a bill, which originated in the Senate, entitled, an act to amend the act incorporating the Bardstown and Louisville Turnpike Company.

Mr. Clark presented the petition of John B. Ryon and Alfred Bowren, praying compensation for their services and expenses in apprehending three fugitives from justice.

Mr. James presented the petition of Askenaz Williams, praying that he may have the exclusive right, for two years, of entering a quarter section of land on which he is settled, West of the Tennessee river.

Which petitions were received, and referred to the committee of finance.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act to amend the penal laws; and

An act to amend the law concerning alimony.

Reported the same with an amendment to each; which were twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the former bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wood, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William May, reported the same, with their opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Clark, from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the improvement of the road from Frankfort, via Lawrenceburg, Danville and Stanford, to the Crab

Orchard, reported the same without amendment; and the said bill was referred to the committee of finance.

Mr. Hardin, from the committee to whom was referred the nominations for Attorney General and Commonwealth's Attorneys, made the following report, in part, viz:

The select committee to whom was referred the nomination of the Attorney General and District Attorneys, has had the same under consideration, and report, in part, viz:

As to the Attorney General, the Senate do advise and consent to the appointment of Charles S. Morehead, to be Attorney General for this Commonwealth.

The Senate do advise and consent to the appointment of William B. Booker, to be Attorney for the Commonwealth in the Ninth Judicial District, in the place of James Harlan, resigned.

As it respects the other nominations of District Attorneys, except Willis and Holt, the committee in their enquiries into that subject find that all the nominees, except Horatio Bruce and James S. Henderson, have been regularly commissioned, by and with the advice and consent of the Senate, Commonwealth's Attorneys for the Judicial Districts respectively for which they are now nominated, and that none of them has resigned. That in the district to which Mr. Bruce is nominated, that Fontaine I. Fox was regularly appointed to said office, that he is still alive, has not removed out of the district, or resigned. That in the district to which Mr. Henderson is nominated as Commonwealth's Attorney, that Franklin Ballenger, by and with the advice and consent of the Senate, was duly commissioned Attorney for the Commonwealth, and that he is still living, has not removed out of the district, or resigned his office.

The first question presented for the consideration of the committee is, whether there is a vacancy in the offices above alluded to? And, if there be no vacancy, then it is unnecessary to enquire into the qualification of the nominees.

Those Commonwealth's Attorneys were appointed under an act of Assembly approved the 23d day of January, 1829, which law has been continued by subsequent enactments and not permitted to expire, and at the present session again continued for two years longer before the preceding law expired. The question is, under these facts, are those attorneys out of office? The IX Article of the Constitution, 12th Section, contains the following provisions: "The Attorney General, and other attorneys of this Commonwealth, who receive a fixed annual salary from the public treasury, judges and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behaviour and the continuance of their respective courts, under the exceptions contained in this Constitution." When we examine this section, we will clearly perceive



that the word "court" is used as applicable to judges, clerks, &c. and as to attorneys, the additional words "and continuance of the office," is fairly to be inferred, that is, such attorneys as their office is created by law, and not by the Constitution, and who receive an annual fixed salary out of the public treasury. An attorney who receives a fixed annual salary out of the public treasury, and who is commissioned by the Governor, by and with the advice and consent of the Senate, what is the tenure by which he holds his office under the above section of the Constitution? The answer is,—good behaviour, the continuance of the court, and the continuance of the office. Those gentlemen have not misbehaved, the court has been continued, and so has been the office, for it has not been permitted to expire. For, although the law was enacted but for two years, the same power (to wit: the Legislature,) which enacted it for two years, had a right either to permit it to expire or to continue it longer, at its will and pleasure, before it did expire; for where is the substantial difference in creating the office for two years, or four years, or permanently? If the same power that created it, continued it, and did not permit it to expire, there is no perceivable difference: because the office continued all the time: and by the constitution, if the incumbents behaved well, the court was not abolished, and the office was continued, they were in office. No one will pretend to contend that any legislative enactment made in pursuance of the constitution, can put any limitations, conditions, or restrictions upon the tenure of office repugnant to the constitution. It is contended by the Governor, that the law being for but two years, although the same was continued before the two years expired, that the appointment was thereby limited to two years. With great deference to the high authority for this opinion, it is certainly more plausible than substantial; because the tenure of office, as has been before observed, is fixed by the constitution, and all laws in contravention of that are void; and even if the commission itself should have improvidently issued for two years, the commission is good and valid, and the limitation void.

The committee conceive themselves not only sustained by the constitution, but by the unanimous opinion of every Governor and Secretary, except the present Governor. When the law first passed in 1813, Shelby was Governor, and Martin D. Hardin, Secretary; Slaughter was acting Governor next, and John Pope his Secretary; Adair succeeded him, and Breckenridge his Secretary; next Desha, and Barry his Secretary; next Metcalfe, and Crittenden his Secretary; by each of these Governors and their Secretaries were the expositions given to the constitution and the law, which the committee now give. It has been incidentally sanctioned by every court in Kentucky; for the law creating the office of Commonwealth's Attorneys was enacted first in 1813, and con-

tinued by regular enactments before the preceding act expired, except in two or three instances, from that time to the present; and when continued before the preceding one expired, no Governor ever before considered them out of office, and the courts recognized them as public prosecutors without a new commission: and thus some of the attorneys were continued in office upon the first commission for near ten years. These expositions by former Governors, if there were any doubts, ought to be considered as having settled the question. The case of Stonestreet and Harrison, in V Littell, and the analogous decisions in Great Britain upon the statute of William and Mary, go also to support the opinion of the committee. Wherefore—

*Resolved*, That in the first Judicial District, second, third, fourth, sixth, seventh, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth, there is no vacancy.

The question being taken on concurring in the said report, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clark and Hardin, were as follows, viz:

**YEAS**—Messrs. Beatty, Bibb, Boyd, Churchill, Conner, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—19.

**NAYS**—Messrs. Beaseman, Brown, Clark, Dejarnatt, Dougherty, Guthrie, Harris, James, Murray, Parks, Rodman, Sisk, Wingate, Wood—14.

*Ordered*, That Mr. Guthrie inform the Governor thereof.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

*Gentlemen of the Senate*—

I nominate, for your advice and consent, the following gentlemen, to be commissioned the offices respectively annexed their names, to-wit:

James Garrard, jun. to be aid to myself.

Thomas W. Hart, to be Colonel of the 21st Regiment, in the place of William R. Hand, resigned.

Charles Dance, to be Lieutenant Colonel of the 21st Regiment, in the place of T. W. Hart, if promoted.

William Johnson, to be Major of the 21st Regiment, in the place of Charles Dance, if promoted.

Daniel McClelland, to be inspector of the 6th Division, in the place of Jacob Oglesby, resigned.

Thomas P. Knott, to be Major of the 4th Regiment, in the place of Washington Beall, resigned.

Baker E. Watkins, to be Colonel of the 89th Regiment, in the place of Jeremiah Adkins, resigned.

Martin D. Snider, to be Lieutenant Colonel of the 89th Regiment, in place of B. E. Watkins, if promoted.

John R. Ringo, to be Colonel of the 30th Regiment, in the place of A. Metcalf, resigned.

B. H. Hobbs, to be Lieutenant Colonel of the 30th Regiment, in the place of J. R. Ringo, if promoted.

William K. McCord, to be Major of the 30th Regiment, in the place of B. H. Hobbs, if promoted.

John B. Watts, to be Lieutenant Colonel of the 103d Regiment, in the place of Lewis Triplett, resigned.

Abraham A. Richardson, to be Major of the 103d Regiment, in the place of J. B. Watts, if promoted.

Michael Fry, to be Colonel of the 20th Regiment, in the place of William P. Sutton, promoted.

Benjamin Branden, to be Lieutenant Colonel of the 20th Regiment, in the place of M. Fry, if promoted.

Francis S. Coleman, to be Major of the 20th Regiment, in the place of B. Brandon, if promoted.

Zachariah Haggard, to be Lieutenant Colonel of the 17th Regiment, in the place of John Morton, resigned.

John Weeks, to be Sheriff of the county of Caldwell—the county court having failed to recommend at their regular term.

Thompson N. Stratton, to be Sheriff of Lewis county, for the residue of the term for which Aaron Stratton, deceased, was appointed.

Rodolphus D. Bucky, to be Sheriff of Bullitt, county court having failed to nominate, and he having received a *pro tem.* appointment; and

I nominate, for your approval, Thomas S. Page, Henry Owsley, Jacob Swigert and John Blaine, as the securities of the Treasurer for the ensuing year.

JOHN BREATHITT.

*February 1st, 1833.*

*Resolved,* That the Senate advise and consent to the said appointments, except to that of Rodolphus D. Bucky to be sheriff of Bullitt county; and that they approve of the securities of the Treasurer nominated.

*Ordered,* That Mr. Guthrie inform the Governor thereof.

The nomination of the said Rodolphus D. Bucky was laid on the table.

On the motion of Mr. Thorntor a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that house, enti-



tled, an act to incorporate the Elizabethtown and Harrodsburg Savings Institutions.

A bill from the House of Representatives, entitled, an act to provide for the appointment of an additional Judge for the City of Louisville, and the circuit of Jefferson and Oldham counties, was taken up.

The said bill was amended to read as follows, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the Governor shall nominate, and, by and with the advice and consent of the Senate, commission one more Circuit Judge, in addition to those now in office, whose duty it shall be to hold the criminal terms of the Jefferson circuit court and the terms of the Shelby circuit court: and that the Judge herein provided for shall have all the powers of a Circuit Judge of this Commonwealth.

Sec. 2. *Be it further enacted,* That the Judge to be commissioned as aforesaid, shall and may hold the common law and chancery terms of the Jefferson circuit and Oldham courts, whenever he is not holding said criminal terms of the Jefferson circuit court, on all occasions in which the Judge of the fifth Judicial District may be absent, or sick, or from any other cause may be unable to hold said courts.

Sec. 3. *Be it further enacted,* That the Judge herein provided for shall and may, at any time, by order entered of record, continue and extend any of the criminal terms of said Jefferson circuit court, whenever it may be necessary to complete the business therein depending; and in like manner may call any special term for the trial of the pleas of the commonwealth, in addition to those prescribed by a law of the present session of the Legislature: in which case the sheriff of Jefferson county, on the written order to him to that effect, shall give public notice in two of the newspapers printed in Louisville, that such term for the trial of pleas of the Commonwealth, has been directed by said Judge to be held.

Sec. 4. *Be it further enacted,* That the salary of the Judge to be commissioned under this act shall be the sum of one thousand dollars, to be paid to him out of the treasury of this commonwealth in quarterly payments; and this act shall commence and be in force from its passage.

Sec. 5. *Be it further enacted,* That the county of Owen shall be added to the fourth Judicial District.

Sec. 6. *Be it further enacted,* That the county of Owen shall be added to the fourth Judicial District, and the terms of the Owen circuit court shall hereafter commence on the third Mondays in the months of March, July and October, and may set twelve juridical days if the business require it; and the Shelby circuit court shall hereafter commence on the fourth Mondays in April, third

Mondays in July, and first Mondays in October, and shall set two weeks at each term as heretofore, if the business shall require it.

Mr. Thornton moved to add to the said bill the following section:

*Be it further enacted*, That the county of Grant be added to the third Judicial District.

And the question being taken on adopting the said amendment, it was decided in the affirmative; the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Griffith, were as follows, viz:

YEAS—Messrs. Beaseman, Churchill, Dejarnatt, Dougherty, Fleming, Gholson, Griffith, Harris, Murray, Murrell, Parks, Rodman, Rudd, Sisk, Thornton—15.

NAYS—Messrs. Beatty, Bibb, Boyd, Clark, Conner, Cunningham, George, Hardin, H. Owsley, W. Owsley, Taylor, Thompson, Wickliffe, Wingate, Wood—15.

Mr. Harris moved to reconsider the last vote; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wickliffe, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Churchill, Clark, George, Guthrie, Hardin, Harris, James, H. Owsley, Rodman, Taylor, Wickliffe, Wingate, Wood—16.

NAYS—Messrs. Beaseman, Beatty, Conner, Dejarnatt, Dougherty, Fleming, Gholson, Griffith, Murray, Murrell, Parks, Payne, Rudd, Sisk, Thornton—15.

The question was again taken on the said amendment moved by Mr. Thornton, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beaseman and Parks, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Dejarnatt, Dougherty, Fleming, Gholson, Griffith, James, Murray, Murrell, Parks, Payne, Rodman, Rudd, Sisk, Thornton—16.

NAYS—Messrs. Beatty, Boyd, Brown, Churchill, Clark, George, Guthrie, Hardin, Harris, H. Owsley, Taylor, Thompson, Wickliffe, Wingate, Wood—15.

Mr. Murrell moved to lay the said bill, as amended, on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Griffith and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Brown, Churchill, Clark, Conner,

Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, James, Murray, Murrell, H. Owsley, Parks, Payne, Rodman, Sisk, Taylor, Thompson, Thornton, Wickliffe, Wood—27.

NAY—Mr. Wingate—1.

A message was received from the House of Representatives, requesting leave to withdraw the report of the passage of a bill from the Senate, entitled, an act to amend the law concerning champerty.

Leave was given to withdraw said report.

Mr. Payne, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to incorporate the Louisville Hotel Company.

An act to amend and continue in force an act, to incorporate the City of Louisville.

An act to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

An act for the benefit of Jacob Miller, of Simpson county.

An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

An act supplementary to an act, entitled, "an act to establish the town of Taylorsville, and to legalise the proceedings of the trustees of said town," approved January 22d, 1833.

An act to amend an act, entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29th, 1830.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act for the benefit of Eliza Badger.

An act to establish an election precinct in Bourbon county.

An act to legalise the proceedings of the court of assessment for the 34th Regiment, K. M.

An act to authorise the insertion of advertisements in "The Commonwealth."

An act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county.

An act for the benefit of William Simpson.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act to divide the State into Congressional Districts.

An act to amend the penal laws; and

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the



Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Payne reported that the committee had performed that duty.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth; and

An act to incorporate the Louisville Savings Institution.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I respectfully ask leave to withdraw the nomination of *Rodolphus D. Bucky*, to be Sheriff of Bullitt county, and to nominate, for your advice and consent, *Rodolphus D. Bukey*, to be Sheriff of Bullitt county—the court of said county having failed to nominate, and he having received a *pro tem.* appointment.

I also nominate, for your advice and consent, Thomas Q. Wilson, to be commissioned Circuit Judge, in the place of T. T. Crittenden, dec'd.

JOHN BREATHITT.

*February 1st, 1833.*

*Resolved*, That the Senate advise and consent to the appointment of Rodolphus D. Bukey, as Sheriff of Bullitt county.

*Resolved unanimously*, That the Senate advise and consent to the appointment of Thomas Q. Wilson as Circuit Judge, in the place of T. T. Crittenden, deceased.

*Ordered*, That Mr. Fleming inform the Governor thereof.

Preamble and resolutions in relation to nullifying acts of Congress by a single State of the Union, were taken up; an amendment being moved,

Mr. Wickliffe moved to lay the said preamble and resolutions and amendment on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Hardin, were as follows, viz:

YEAS—Messrs. Payne, Wickliffe—2.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Churchill, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Hardin, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rudd, Sisk, Taylor, Thompson, Thornton, Wingate, Wood—30.

The first resolution was concurred in.

The committee reported an amendment to strike out the second resolution.

And the question being taken on concurring in the said amendment it was decided in the negative; and so the said resolution was concurred in.

The yeas and nays being required thereon, by Messrs. Clark and Hardin, were as follows, viz:

YEAS—Messrs. Boyd, George, Griffith, Hardin, W. Owsley, Taylor, Thompson, Wickliffe, Wood—9.

NAYS—Messrs. Beaseman, Bibb, Brown, Churchill, Clark, Conner, Cunningham, Dejarnatt, Fleming, Gholson, Guthrie, Harris, James, Murray, Murrell, H. Owsley, Parks, Rodman, Thornton, Wingate—20.

The third, fourth, fifth, sixth and seventh resolutions were then concurred in.

Mr. Wickliffe then moved to amend the said resolutions, by adding thereto the following resolution, viz:

*Resolved, therefore, That the imprisonment of Samuel A. Worcester and Elizur Butler, by the authorities of Georgia under her laws, is, in the opinion of this Legislature, a violation of the laws and treaties made for and with the Cherokee Indians, and that it is the duty of the President to see the mandate of the Supreme Court executed, should it be disobeyed by the authorities of Georgia.*

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Guthrie and Wickliffe, were as follows, viz:

YEAS—Messrs. Boyd, Conner, Cunningham, Fleming, George, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Wickliffe—12.

NAYS—Messrs. Beaseman, Bibb, Brown, Churchill, Clark, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Thompson, Thornton, Wingate, Wood—20.

Mr. Wickliffe moved to amend the said resolutions, by adding thereto the following resolution, viz:

*Resolved, That the laws of Congress and treaties made in pur-*

suance of the Constitution of the United States, relative to the Cherokee Indians, are laws and treaties, the acts of Georgia to the contrary notwithstanding, and that it is the bounden duty of the President of the United States to see that those laws and treaties be observed and executed.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Boyd, were as follows, viz:

YEAS—Messrs. Boyd, Conner, Cunningham, Fleming, George, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Wickliffe—12.

NAYS—Messrs. Beaseman, Bibb, Brown, Churchill, Clark, Dejarnatt, Dougherty, Gholson, Griffith, Guthrie, Harris, James, Murray, Parks, Rodman, Rudd, Thompson, Thornton, Wingate, Wood—20.

The eighth resolution and preamble were then concurred in.

The report of the committee, to whom was referred the preamble and resolution moved by Mr. Rudd on the 28th ultimo, made on the 30th ultimo, was taken up.

Mr. Rudd moved to amend the resolution reported by the committee, by striking out the word “not.”

And the question being taken on adopting the said amendment, it was decided in the negative; and so the said resolution was concurred in, and the resolution moved by Mr. Rudd was rejected.

The yeas and nays being required thereon, by Messrs. Rudd and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Dougherty, Guthrie, Murray, Parks, Rodman, Rudd, Wingate—8.

NAYS—Messrs. Bibb, Boyd, Brown, Churchill, Clark, Conner, Cunningham, Dejarnatt, Fleming, George, Gholson, Griffith, Hardin, Harris, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe, Wood—23.

Mr. Wingate read, and laid on the table, the following resolution, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That the resolution heretofore adopted, for adjourning on the 2d day of February, be, and the same is hereby rescinded: and that when the General Assembly adjourns on the 6th February, they will adjourn without day.*

And then the Senate adjourned.



*SATURDAY, FEBRUARY 2.*

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills and a resolution, which originated in that house, of the following titles, viz:

An act to alter the time of holding the Spencer county court.

An act to fix the terms of the Trigg circuit and county courts, and the county court of Morgan.

A resolution to rescind the joint resolution, fixing upon Saturday the 2d of February for the day of adjournment.

An act to authorise the sale of a public alley in the town of New Castle.

An act for the appropriation of money.

That they had disagreed to a bill from the Senate, entitled, an act to amend the charter of the Shelbyville and Louisville Turnpike Company.

And that they had passed bills from the Senate, entitled,

An act appropriating certain lands for improving the Cannon creek road, in Harlan county.

An act for the benefit of Samuel T. Fife, constable of Grayson county.

An act to regulate the terms of the Jefferson circuit and Oldham courts.

An act to appropriate some of the vacant lands in Butler county, for the purpose of internal improvement in said county.

An act to amend the penal laws.

An act for the benefit of Achilles Jasper, of Pulaski county; and

An act for the benefit of the children of John Mizner, dec'd.

With an amendment to the latter bill: which was twice read and concurred in.

A bill from the House of Representatives, entitled, an act to establish a State Bank, was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the affirmative; the Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and Conner, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Dejarnatt, Dougherty, Fleming, Gholson, Guthrie, Harris, James, Murray, Murrell, Parks, Rodman, Rudd, Sisk, Wingate, Wood—17.

NAYS—Messrs. Beatty, Bibb, Boyd, Brown, Churchill, Clark, Cunningham, George, Griffith, Hardin, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—17.

Mr. Fleming moved to dispense with the rule of the Senate, constitutional provision, and second reading of said bill.

And the question being taken thereon, it was decided in the negative: four-fifths of the members not having voted therefor.

The yeas and nays being required thereon, by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Brown, Clark, Conner, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Guthrie, Harris, James, Murray, Murrell, H. Owsley, W. Owsley, Parks, Rodman, Rudd, Sisk, Thompson, Wingate, Wood—26.

NAYS—Messrs. Boyd, Churchill, Cunningham, Hardin, Payne, Taylor, Thornton, Wickliffe—8.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the improvement of the road from Frankfort, via Lawrenceburg, Danville and Stanford, to the Crab Orchard, reported the same, with their opinion that it is inexpedient at this time to act further on the said bill; the said bill was laid on the table.

Mr. Hardin, from the select committee, to whom was referred the nomination of William T. Willis, to be attorney for the commonwealth for the eighth Judicial District, reported the same without any resolution thereon.

Mr. Murrell moved the following resolution thereon, viz:

*Resolved*, That the Senate do not advise and consent to the appointment of William T. Willis, as attorney for the commonwealth in the eighth Judicial District.

And the question being taken on adopting the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Murrell and Murray, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Fleming, George, Gholson, Griffith, Hardin, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thompson, Thornton, Wickliffe—20.

NAYS—Messrs. Beaseman, Dejarnatt, Dougherty, Harris, Murray, Parks, Rodman, Rudd, Sisk, Wingate, Wood—11.

*Ordered*, That Mr. Rodman inform the Governor thereof.

Mr. Hardin, from the same committee, reported the nomination of Joseph Holt, to be commonwealth's attorney in the fifth Judicial District, without any resolution thereon.

And the question being taken on advising and consenting to the said appointment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Griffith, were as follows, viz:

YEAS—Messrs. Beaseman, Brown, Churchill, Clark, Cunningham, Dejarnatt, Dougherty, George, Gholson, Griffith, Harris, James, Murray,

Murrell, Parks, Rodman, Rudd, Sisk, Taylor, Thompson, Wingate, Wood—22.

NAYS—Messrs. Beatty, Bibb, Boyd, Conner, Fleming, H. Owsley, W. Owsley, Payne, Thornton, Wickliffe—10.

*Ordered*, That Mr. Rodman inform the Governor thereof.

Mr. Wickliffe moved to take up the resolution from the House of Representatives, to rescind the resolution for adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Conner, Dougherty, George, Gholson, Harris, W. Owsley, Payne, Rudd, Wickliffe, Wingate, Wood—13.

NAYS—Messrs. Beatty, Bibb, Brown, Churchill, Clark, Cunningham, Dejarnatt, Fleming, Hardin, James, Murray, Murrell, H. Owsley, Parks, Rodman, Taylor, Thompson, Thornton—18.

Mr. Thornton read, and laid on the table, the following resolutions, viz:

*Resolved, by the Senate and House of Representatives*, That the imprisonment of Samuel A. Worcester and Elizur Butler by the authorities of Georgia, under her laws, is, in the opinion of this Legislature, a violation of the laws and treaties made for and with the Cherokee Indians, and that it is the duty of the President to see the mandate of the Supreme Court executed, should it be disobeyed by the authorities of Georgia.

*Resolved*, That the laws of Congress and treaties made in pursuance of the Constitution of the United States, relative to the Cherokee Indians, are laws and treaties, the acts of Georgia to the contrary notwithstanding, and that it is the bounden duty of the President of the United States to see that those laws and treaties be observed and executed.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred the petition of Thomas Neall, reported that the said petition be rejected; which report was concurred in.

Leave was given to withdraw the said petition.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to appropriate a part of the vacant lands in Laurel county, to make a road from London to the mouth of Big Laurel, and for other purposes, were twice read and concurred in.

A resolution from the House of Representatives, in relation to an arsenal for the security of the public arms and accoutrements, was twice read and concurred in.

Bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Arch Lewis, a free man of color; and



An act for the improvement of the navigation of Big Caney, a branch of Rough creek.

Were each read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the latter bill, by Messrs. Dougherty and Cunningham, were as follows, viz:

YEAS—Messrs. Beatty, Bibb, Boyd, Clark, Conner, Cunningham, Gholson, Griffith, Harris, Murrell, H. Owsley, W. Owsley, Payne, Taylor, Thornton, Wickliffe, Wingate—17.

NAYS—Messrs. Brown, Churchill, Dejarnatt, Dougherty, Hardin, Parks, Rodman, Rudd, Thompson, Wood—10.

A bill for the benefit of Alexander McDaniel and associates was laid on the table.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the heirs of the late Charles Humphreys, deceased.

2. An act to fix the terms of the Trigg circuit and county courts, and the county court of Morgan.

3. An act for the improvement of the public roads in Monroe, Allen and Barren counties.

4. An act to regulate the circuit and county courts in the fifteenth judicial district, and for other purposes; and

5. An act to authorise the sale of a public alley in the town of New Castle.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the first, second, fourth and fifth bills, having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to improve the navigation of Big Sandy river, was read the first time, as follows, viz:

Sec. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That Henry B. Mayo, James Hayden, John Hatcher, William M. Smith and John Friend, of Floyd county, (any three of whom, or their successors in office, shall have the power of performing the requisitions of this act,) shall be appointed commissioners, each of whom shall, before he enters on the discharge of the duties required by this act, in the county court of the county in which he or they shall respectively reside, enter into bond pay-

able to the commonwealth of Kentucky, each in the penalty of two thousand dollars, conditioned for the faithful performance of all the duties required by the provisions of this act, with good and sufficient security, to be approved of by the said court.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners to open a subscription or subscriptions, for the contribution of money or labor, to be expended in the improvement of said river; that it shall be their duty, in the reception of subscriptions for work, to estimate the same at seventy-five cents per day; and before they proceed to the duties hereinafter prescribed, they shall proceed to collect such sums of money as may be subscribed: and upon the failure of either the payment of the money so subscribed, or performance of the labor, when called on by the said commissioners, or such other person or persons as they shall appoint to superintend said improvement, that suit may be brought by action of debt for the amount of money so subscribed, or labor to be performed, in the name of said commissioners, before any court having jurisdiction thereof; and all monies collected in virtue of any such suit or suits, shall be applied by said commissioners to the improvement of said river, according to the intent and meaning of this act.

Sec. 3. *Be it further enacted*, That so soon as the sum of one thousand dollars, in money and labor aforesaid, shall be subscribed and paid, or secured to be paid to the said commissioners, that they shall certify the fact to his excellency, the Governor of this commonwealth, who shall thereupon direct the Auditor of Public Accounts to issue his warrant upon the Treasurer, in the name of said commissioners, for the sum of five thousand dollars: and also direct the Register of the Land Office to issue land-warrants, in the name of said commissioners, to the amount of four thousand dollars, in warrants of such size as the said commissioners may direct not under fifty acres each, which warrants may be located in the counties of Floyd, Lawrence and Pike, and in no other counties; which sum of money and land-warrants, so appropriated, and money and labor so subscribed, shall be laid out and expended by said commissioners, in the improvement of the navigation of said river, from the mouth thereof to the shoal opposite Pikeville, by causing to be cleared from it all logs, snags, trees and rocks, which may hinder or obstruct the navigation thereof: which improvement shall be commenced at the mouth of said river.

Sec. 4. *Be it further enacted*, That upon the death, resignation, removal, or refusal to act, of any of the said commissioners, that the county court of the county in which such vacancy shall happen, shall appoint a successor, and take bond and security as aforesaid.

Sec. 5. *Be it further enacted*, That said commissioners may employ one or more superintendant or superintendants, who shall execute bond to said commissioners, with such conditions as they may

think proper for their indemnity, and who may be removed at the pleasure of a majority of said commissioners: and it shall be the duty of said superintendant, or superintendants, to be personally present as far as may be in his or their power, and give directions as to the manner of making said improvements; and before the said superintendant, or superintendants, shall enter upon the duties of his or their appointment, shall, in the county court of the county where he or they shall reside, or before some justice of the peace, take an oath well and truly to perform all the duties enjoined on him by the provisions of this act.

Sec. 5. *Be it further enacted*, That said commissioners are hereby directed to have the obstructions removed from said river, according to the intent and meaning of this act, within two years after they shall have so executed bond, which shall be named and constituted as one of the conditions thereof: and moreover shall, at the time of entering into such bond, take an oath that they will well, truly and faithfully execute and perform all the duties required of them by the provisions of this act.

Sec. 6. *Be it further enacted*, That the said commissioner or commissioners be subject to removal by the county court of the county in which he or they may reside, a majority of said justices being present and concurring therein: *Provided, however*, That said commissioner or commissioners shall have at least ten days notice of the intended motion for his or their removal.

Sec. 7. *Be it further enacted*, That said commissioners shall receive for their services, while actually employed, one dollar per day; and that the superintendant or superintendants shall receive for their services per day, a sum, to be fixed by said commissioners, not exceeding two dollars per day.

Sec. 8. *Be it further enacted*, That it shall be the duty of the commissioners, or the superintendant or superintendants, in the making of contracts in relation to said improvement, to employ the money and land-warrant in equal proportions as near as may be; and that the land-warrant in no instance shall be disposed of at a less price than the state price.

Sec. 9. *Be it further enacted*, That it shall be the duty of the superintendant or superintendants, under the direction of the said commissioners, to furnish all necessary tools and implements for the effecting said improvements; and for the purpose of enabling the superintendant or superintendants to progress with said improvements, they shall furnish him or them with such proportion of the money and warrants as they shall, from time to time, stipulate and agree upon.

And the question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was disagreed to.



The yeas and nays being required thereon, by Messrs. Hardin and Harris, were as follows, viz:

YEAS—Messrs. Beatty, Boyd, Clark, Conner, Dejarnatt, Fleming, George, Harris, H. Owsley, Payne, Taylor, Thornton, Wickliffe—13.

NAYS—Messrs. Beaseman, Bibb, Brown, Churchill, Gholson, Griffith, Hardin, Murray, Murrell, W. Owsley, Rodman, Rudd, Thompson, Wood—14.

A bill from the House of Representatives, entitled, an act for the appropriation of money, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of finance.

After some time Mr. Hardin, from the said committee, reported the said bill without amendment; and it was referred to the committee of the whole house, on the state of the commonwealth, for to-day.

The Senate thereupon resolved itself into a committee of the whole house, on the said bill, Mr. Churchill in the chair. After some time spent in committee, the Speaker resumed the chair; when Mr. Churchill reported that the committee had, according to order, had the said bill under consideration: and had gone through the same, and had made no amendments thereto.

The said bill was amended.

Mr. Hardin moved the previous question; and the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wingate and Hardin, were as follows, viz:

YEAS—Messrs. Beaseman, Beatty, Bibb, Boyd, Brown, Clark, Conner, Cunningham, Dejarnatt, Fleming, George, Gholson, Griffith, Hardin, Murray, H. Owsley, W. Owsley, Parks, Payne, Radd, Thompson, Thornton—23.

NAYS—Messrs. Churchill, Dougherty, Harris, Murrell, Rodman, Wickliffe, Wingate, Wood—8.

The main question was then put: and the said bill was ordered to be read a third time as amended.

Mr. Hardin moved that the rule of the Senate, constitutional provision, and third reading of the said bill be dispensed with.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Wingate, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Churchill, Clark, Conner, Dejarnatt, Dougherty, Fleming, George, Gholson, Griffith, Hardin,

Harris, Murray, Murrell, H. Owsley, W. Owsley, Payne, Rodman, Rudd, Thompson, Thornton, Wickliffe—25.

NAYS—Messrs. Parks, Wingate. Wood—3.

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendments.

*Ordered*, That Messrs. Murray, Conner and Brown, be added to the committee of enrolments.

Mr. Hardin, from the committee of finance, to whom was referred a resolution from the House of Representatives, in relation to burning the notes of the Bank of the Commonwealth, reported the same without amendment.

The said resolution was concurred in.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read, as follows, viz:

*Gentlemen of the Senate—*

I nominate, for your advice and consent, Zachariah Wheat, to be commissioned attorney for the commonwealth in the Eighth Judicial District.

JOHN BREATHITT.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Mr. Murrell inform the Governor thereof.

A bill from the House of Representatives, entitled, an act to alter the time of holding the Spencer county court, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hardin,

*Resolved*, That the Auditor of Public Accounts furnish a statement to the Senate, at the next session of the General Assembly, of the amount of money which has been paid into the Treasury, arising from head-right lands.

Mr. Wingate, from the committee of enrolments, reported that the committee had examined sundry enrolled bills and resolutions, of the following titles, viz:

An act to amend the several acts against unlawful gaming.

An act to amend the law prohibiting the importation of slaves into this state.

An act to provide for improving the roads in the counties of Floyd and Perry.

An act to amend the law regulating proceedings in cases of ejectments, and forcible entries and detainers.

An act appropriating certain lands for improving the Cannon creek road, in Harlan county.

An act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.

An act to regulate the terms of the Jefferson circuit and Oldham courts.

An act for the benefit of the children of John Mizner, dec'd.

An act to amend the penal laws.

An act for the benefit of Samuel T. Fife, constable of Grayson county.

An act for the appropriation of money.

An act to authorise the sale of a public alley in the town of New Castle.

An act to regulate the circuit and county courts in the fifteenth judicial district, and for other purposes.

Preamble and resolutions in relation to nullifyng acts of Congress by a single State of the Union.

A resolution in relation to burning the notes of the Bank of the Commonwealth.

Mr. Payne, from the said committee, reported that they had examined—

An act to incorporate a company, to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

Mr. Brown, from the same committee, reported that they had examined bills, entitled,

An act for the benefit of Achilles Jasper, of Pulaski county.

An act to appropriate some of the vacant lands in Butler county, for the purpose of internal improvement in said county.

An act concerning the town of Adairsville.

An act for the benefit of Arch Lewis, a free man of color.

An act for the benefit of the heirs of the late Charles Humphreys, deceased; and

An act for the improvement of the navigation of Big Caney, a branch of Rough creek.

Mr. Murray, from the committee of enrolments, reported that they had examined—

An act to establish a Medical Institute in the city of Louisville.

And that the said bills were found truly enrolled; that they had been signed by the Speaker of the House of Representatives; whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.



After a short time, it was reported from the committee that they had performed that duty.

On motion—*Ordered*, That the committee of internal improvements, the committee of courts of justice, and the committee of finance, be discharged from the further consideration of all the business before them.

On motion—*Ordered*, That all the business in the orders of the day be laid on the table, until the first day of June next.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the 28th day of January past, approve and sign enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to establish an election precinct in the county of Henry.

An act to change the places of voting in Everett's and Foreman's bottom precincts, in Lewis county.

An act for the benefit of Fanny Richardson and her children.

Resolutions in relation to the road leading from Lexington, through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy.

And on the 30th of January, bills of the following titles:

An act for the benefit of Flora N. C. Harding.

An act to appoint additional justices of the peace in certain counties, and for other purposes.

An act to appoint additional justices of the peace to the county of Bath, and for other purposes.

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby.

An act to provide for the improvement of roads in certain counties.

An act to amend an act, entitled, an act for the benefit of revolutionary soldiers.

An act to amend the act, entitled, an act to improve the navigation of Salt river, approved the 22d day of Dec. 1831.

An act to amend the law giving compensation to witnesses, and to increase their mileage.

An act for the benefit of Stephen Langford.

An act for the benefit of the infant heirs of Thomas Frazier, deceased.

An act for the benefit of Stephen Marcum.

An act for the benefit of the infant heirs of Casper Hinton.

On the 31st January, the following bills:

An act to incorporate the city of Maysville.

An act providing for opening a road from Taylorsville, in Spen-

cer county, to Jeffersontown, in Jefferson county, and for other purposes.

An act concerning the town of Adairsville.

An act authorising the sale of slaves in certain cases.

An act to amend an act, entitled, an act to authorise the establishment of private passways, approved Dec. 13, 1820.

On the 1st instant:

An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

An act to incorporate a Rail Road Company from Bardstown to Louisville.

An act supplementary to an act, entitled, "an act to establish the town of Taylorsville, and to legalise the proceedings of the trustees of said town," approved January 22d, 1833.

An act to amend an act, entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29th, 1830.

An act to establish an election precinct in Bourbon county.

An act for the benefit of Eliza Badger.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act for the benefit of Jacob Miller, of Simpson county.

An act to legalise the proceedings of the court of assessment for the 31st Regiment, K. M.

An act to authorise the insertion of advertisements in "The Commonwealth."

An act to amend the law imposing tax on merchandize.

An act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county.

An act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.

An act to amend the penal laws.

And on this day, he approved and signed enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act to establish the Louisville Bank of Kentucky.

An act to incorporate a company, to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.

A resolution in relation to burning the notes of the Bank of the Commonwealth.

Preamble and resolutions relative to nullifying acts of Congress by a single State of the Union.

An act to fix the terms of the Trigg circuit and county courts, and the county courts of Morgan.

An act for the benefit of Arch Lewis, a free man of color.

An act for the improvement of the navigation of Big Caney, a branch of Rough creek.

A resolution in relation to an arsenal, for the security of the public arms and accoutrements.

An act for the benefit of the heirs of the late Charles Humphreys, deceased.

An act for the appropriation of money.

An act to regulate the circuit and county courts in the fifteenth judicial district, and for other purposes.

An act to authorise the sale of a public alley in the town of New Castle.

An act to alter the time of holding the Spencer county court.

A message was received from the Governor, announcing that he did, on the 25th ultimo, approve and sign enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act concerning the town of Henderson, and for other purposes.

An act authorising persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.

An act for the benefit of James Elincoe's heirs.

An act for the benefit of the estate of Henry Ditto, jr.

An act to establish election precincts in Woodford, Whitley, Graves and Henderson counties.

A resolution fixing a day for the election of public officers.

On the 28th ultimo,

An act for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.

An act to incorporate the Louisville and Bonharbour Coal Company.

An act for the relief of the heirs of Francis P. Hord, deceased.

An act providing for settling the accounts with the keeper of the Penitentiary.

An act to amend an act, entitled, an act to incorporate the city of Lexington.

An act for the relief of William Cecil and Benedict Morehead.

An act to authorise the Clarke circuit court to decree the sale of two and one-half acres of land, devised to William S. Downey and others.

An act to enlarge and explain the powers of the trustees of the town of Frankfort.

An act for the benefit of the representatives of James Honaker, deceased.

An act to authorise the county court of Bourbon to levy a tax on the lands of the county.

An act for the relief of the heirs of Anna Maria Walsh.

On the 30th ultimo,

An act further to enlarge the powers of the trustees of the town of Harrodsburg.



An act to repeal in part, and amend, the act incorporating the Lexington, Chilesburg and Winchester Road Company.

An act concerning county levies in certain counties.

An act for the benefit of the widow and heir of Walker Thornton, deceased.

An act for the benefit of the devisees of John Branigan.

An act concerning the town of Mt. Carmel, in Fleming county.

An act to amend the act, providing for opening and keeping in repair the highways in the county of Fayette.

An act to authorise the clerks of the county courts of Hopkins, Hancock and Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

An act to authorise the Secretary of State to distribute certain Military books.

An act to authorise the trustees of Cynthiana to close an alley in said town.

Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers.

A resolution authorising the public Librarian to have certain acts of Assembly bound.

On the 31st ultimo,

Resolutions concerning the opening and improving the navigation of Cumberland, Kentucky and Licking rivers.

An act for the benefit of Spencer Curd's representatives.

An act to authorise the trustees of the town of Richmond to levy a tax, to McAdamize the streets.

An act limiting the time for which persons may be held to bail for their good behaviour.

An act for the benefit of the Cumberland Hospital.

An act to incorporate the Greenwich Academy.

An act to amend an act, entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.

An act to extend the powers of the road commissioners of Bracken county.

An act to repeal the law now in existence in relation to head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement.

An act authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave.

On the 1st instant,

An act to amend and continue in force an act, to incorporate the City of Louisville.

An act to incorporate the Louisville Hotel Company.

And on this day,

An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals, and the Big South fork of said river up to the coal banks.

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

An act to amend the law regulating proceedings in cases of ejectment, and forcible entries and detainers.

An act to authorise an additional subscription, on behalf of the commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

An act to amend the several acts against unlawful gaming.

An act to amend the law prohibiting the importation of slaves into this state.

An act to provide for improving the roads in the counties of Floyd and Perry.

An act appropriating certain lands for improving the Cannon creek road, in Harlan county.

An act to divide this State into Congressional Districts.

An act to authorise an additional subscription, on behalf of the commonwealth, in the stock of the Board of Internal Improvements of Shelby county, and for other purposes.

An act to remove the obstructions to navigation at the falls of Green river, and for other purposes.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act for the benefit of Samuel T. Fife, a constable of Grayson county.

An act for the benefit of the children of John Mizner, dec'd.

An act to amend the penal laws.

An act to appropriate a part of the vacant lands in Laurel county, to make a road from London to the mouth of Big Laurel, and for other purposes.

An act to regulate the terms of the Jefferson circuit and Oldham courts.

An act for the benefit of Achilles Jasper, of Pulaski county.

An act to appropriate some of the vacant lands in Butler county, for the purpose of internal improvement in said county; and

An act to establish a Medical Institute in the city of Louisville.

A message was received from the House of Representatives, announcing that they had finished the Legislative business before them, and were now ready to adjourn without day; and that they had appointed a committee on their part, to wait on the Governor to inform him of the intended adjournment of the General Assembly, and to know whether he had any further communication to make.

Whereupon, Messrs. Churchill, Wingate and Murrell, were appointed a committee on the part of the Senate.

*Ordered*, That Mr. Churchill inform the House of Representatives thereof.

The committee retired, and after a short time returned: when Mr. Churchill reported that the committee had performed the duty assigned them, and were requested by the Governor to communicate to each member of the Legislature his sincere respects, and to say that he had no further communication to make.

The Speaker having retired. Mr. Churchill was called to the chair, when Mr. Wingate moved the following resolution, viz:

*Resolved*, That the thanks of this Senate be tendered to JAMES T. MOREHEAD, Esq. for the dignified and independent manner in which he has discharged the duties of Speaker during the present session.

Which was unanimously adopted.

The Speaker having resumed the chair, and delivered an appropriate address, adjourned the Senate without day.















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